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# INQUIRY

Into the  
Conduct of Public Business  
of the Municipality of Calgary

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The Report of the  
Honourable Mr. Justice W. G. Morrow

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R. NEUMAN, ESQ.,  
COUNSEL FOR THE COMMISSION



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I N Q U I R Y

INTO THE

CONDUCT OF PUBLIC BUSINESS

OF THE MUNICIPALITY OF CALGARY

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THE REPORT OF THE

HONOURABLE MR. JUSTICE W. G. MORROW

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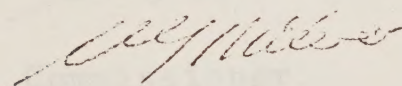
To The Honourable

The Attorney General of the Province of Alberta

I have the honour to hand you herewith the report of my inquiry conducted into and concerning the matters referred to in an order made by you on the 15th September, A.D. 1970, under the authority of Section 417 of The Municipal Government Act of Alberta.

I have the honour to be, Sir,

Your obedient servant,



Commissioner.

April 10, 1971.

Yellowknife, N.W.T.





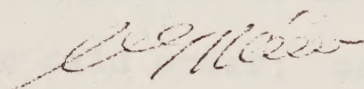


City Clerk,  
City of Calgary.

I have the honour to hand you for presentation to the Council of the City of Calgary, the report of my inquiry carried out by me under the authority of an order made by the Attorney General of Alberta on the 15th September, A.D. 1970, under the provisions of Section 417 of the Municipal Government Act of Alberta, by which I am directed to report to the Council of the City of Calgary.

Will you see that the report is brought to the attention of that body.

Yours truly,



Commissioner.

April 10, 1971.

Yellowknife, N.W.T.







Approved and Ordered,

O.C. 1662/70

"Grant MacEwan"

Edmonton,

LIEUTENANT GOVERNOR

September 15, 1970.

The Executive Council has had under consideration the report of the Honourable the Attorney General, dated September 14, 1970, stating that:

WHEREAS pursuant to section 417 of The Municipal Government Act the Honourable the Attorney General has by the attached order dated September 3, 1970, appointed the Honourable Mr. Justice William George Morrow of the Territorial Court of the Northwest Territories as a commissioner to make an inquiry into those matters referred to in the said order; and

WHEREAS section 38 of The Judges Act, being chapter 159 of the Revised Statutes of Canada, 1952, as amended by chapter 76 of the Statutes of Canada 1966-67, provides that no judge shall act as a commissioner in the case of any matter within the authority of the legislature of a province unless he is thereunto appointed or so authorized by the Lieutenant Governor in Council of that province; and

WHEREAS it is expedient and in the public interest that an inquiry be made into the matters hereinafter referred to:







O.C. 1662/70

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THEREFORE, upon the recommendation of the Honourable the Attorney General, the Executive Council advises that the Lieutenant Governor in Council, pursuant to section 2 of the Public Inquires Act, do issue a Commission appointing the Honourable Mr. Justice William George Morrow of the Territorial Court of the Northwest Territories as a commissioner to make an inquiry into and concerning those matters enumerated in the attached order and such other matters as to the said commissioner appear meet and on the conclusion of the inquiry to report to the Attorney General and the Council of the City of Calgary the result of the inquiry and the evidence taken thereon.

"Gordon E. Taylor"

ACTING    C H A I R M A N







IN THE MATTER OF The Municipal Government Act, being Chapter 68 of The Statutes of Alberta, 1968, and amendments thereto, and

IN THE MATTER OF an Inquiry into certain matters as referred to in a Resolution of the City of Calgary dated the 25th day of May A.D. 1970

WHEREAS section 417 of The Municipal Government Act, being chapter 68 of the Statutes of Alberta, 1968, and amendments thereto, provides as follows:

"417 (1) Where a council passes a resolution

(a) requesting that an inquiry be made into any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of

(i) a member of the council or other official or an employee or agent of the municipality, or

(ii) a person having a contract with the municipality in relation to the duties or obligations of that person to the municipality

or

(b) requesting that an inquiry be made into or concerning any matter connected with the good government of the municipality or the conduct of any part of the public business thereof,

the Attorney General may appoint a judge or some other suitable person to make the inquiry.

(2) The person appointed to make the inquiry shall, as promptly as is conveniently possible, make the inquiry and report the result of the inquiry and the evidence taken thereon to the Attorney General and to the council.

(3) The person appointed to make the inquiry has, for the purpose of the inquiry, all the powers of a commissioner appointed under The Public Inquiries Act.





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- (4) The person appointed to make the inquiry is entitled to receive and shall be paid such fees by the council as may be agreed upon.
- (5) The council may engage and pay counsel to represent the municipality and may pay all proper witness fees to persons summoned to give evidence at the instance of the municipality.
- (6) Any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question may be represented by counsel."

AND WHEREAS at a meeting of the Council of the City of Calgary held on the 25th day of May, A.D. 1970, the following Resolution was passed:

" WHEREAS a report of the Police Commission of The City of Calgary appears to warrant further inquiry into the conduct of public business in this City;

AND WHEREAS it is deemed expedient to conduct an inquiry into these matters in order to alleviate any public suspicion that municipal business is not being conducted in a proper manner;

THEREFORE BE IT NOW RESOLVED that the Council of the City of Calgary request the Attorney General of the Province of Alberta to appoint a suitable Judge to conduct a judicial inquiry, under section 417 of The Municipal Government Act, into and/or concerning the conduct of public business of the municipality of the City of Calgary. "

and

WHEREAS the materials upon which the Calgary City Council acted in passing the said Resolution appear to warrant the making of a judicial inquiry;

NOW THEREFORE, I, EDGAR H. GERHART, Attorney





General of the Province of Alberta, pursuant to section 417 of The Municipal Government Act, do hereby appoint the Honourable Mr. Justice William George Morrow of the Territorial Court of the Northwest Territories as a commissioner to make an inquiry into and concerning the following and such other matters as to the said Commissioner appear meet:

- (1) whether any present or past official or employee or present or past elected representative of the City of Calgary has stolen money or anything else of value or obtained money or anything else of value by fraud or other improper means since the year 1960.
- (2) whether any present or past official or employee or present or past elected representative of the City of Calgary has failed to act upon any information received by or brought to the knowledge of him indicating that money or anything else of value has been stolen or is being stolen from the City of Calgary and if so, was such failure to act justified.
- (3) whether any present or past official or employee or present or past elected representative of the City of Calgary has failed without justification to act upon any information received by or brought to the knowledge of him, indicating that any person or persons had obtained or are obtaining money or anything else of value by fraud or other improper means from the City of Calgary.
- (4) whether any present or past official or employee or present or past elected representative of the City of Calgary has in any way obstructed or otherwise interfered with the Calgary City Police Force in the investigations by that Force of allegations involving the theft or fraudulent obtaining or the obtaining by other improper means of money or anything else of value from the City of Calgary.





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- (5) whether any present or past official or employee or present or past elected representative of the City of Calgary has at any time given any direction or order to the City of Calgary Police Force or to the Police Commission of the City of Calgary which resulted in that Force not properly carrying out its functions as a law enforcement agency.
- (6) whether any present or past official or employee or present or past elected representative of the City of Calgary has failed to take appropriate action against any person admitting to or suspected of the theft or the obtaining by fraud or other improper means of money or anything else of value from that city.
- (7) whether any group of persons has existed or now exists which had or has as its purpose the theft or fraudulent obtaining or the obtaining by other improper means of money or anything else of value from the City of Calgary.
- (8) whether the present systems of accounting and financial control of the City of Calgary are such as to effectively prevent the theft or fraudulent obtaining or the obtaining by other improper means of money or anything else of value from that city.
- (9) whether the present systems of accounting and financial control of the City of Calgary are in all cases being properly adhered to by the officials and employees of that city.
- (10) whether any present or past official or employee or present or past elected representative of the City of Calgary has failed or neglected without justification to communicate or otherwise report to the appropriate authority any information concerning the actual or possible theft or the actual or possible obtaining by other improper means of money or anything else of value from that city.

and on the conclusion of the inquiry to report to the Attorney General and the Council of the City of Calgary the result of





the inquiry and the evidence taken thereon.

DATED at the City of Edmonton, in the Province of  
Alberta, this 3rd day of September, A.D. 1970.

"E. H. Gerhart"

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ATTORNEY GENERAL  
OF  
THE PROVINCE OF ALBERTA





## INTRODUCTION

Various articles and broadcasts in the news media of Calgary before May 25th, 1970 appear to have resulted in considerable debate and agitation in the City, both in and out of City Hall, with the result that Calgary City Council passed a Resolution requesting a judicial inquiry. The resultant Order in Council appointing the present commission and setting forth the general terms of reference is quoted in full in the preceding pages and was authorized under The Municipal Government Act, 1968, ch. 68.

Ronald Neuman, Esquire, of Edmonton, was appointed counsel for the Commission. Reference is made in one of the appendices to other counsel who appeared before the Commission. James P. Low, Esquire and L. Portigal, Esquire, both of the City Legal Department were present throughout.

Notices were inserted in the Calgary Albertan and the Calgary Herald advising of the inquiry, the date of commencement, and inviting interested citizens to come forward and make such representations as to them seemed proper. Similar notices were released to Radio and T V outlets in Calgary.

Ernest Burke, Esquire, of Calgary was appointed Commission Clerk.

All sittings of the Commission took place in the Court House Building, in the City of Calgary, Alberta. Except where the





convenience of witnesses dictated otherwise, the sittings commenced at 9.30 o'clock in the forenoon and went through to 1.00 o'clock in the afternoon. The hearings or sittings began September 22nd, 1970, and extended over 22 days, concluding November 15th, 1970, except for a special sittings on March 17, 1971, to hear Mr. Wray who had been too ill to testify earlier. In all the Commissioner heard 44 witnesses, in all 2635 pages of evidence were taken, and 307 Exhibits filed.

The arrangement followed was for Commission Counsel to subpoena each witness even when the witness had come forward as a volunteer or by request. Commission Counsel would examine the witness in chief and then if other counsel were present they were permitted to cross-examine with Commission Counsel then having the right to ask questions in rebuttal. Where officials or members of the public had any question to ask this was permitted by the question being delivered by written note to Commission Counsel and then he would ask the question if it was relevant. This last procedure was observed to have been used on several occasions. Officials of the City departments were invited to submit written recommendations to supplement oral testimony if they wished. If any party interested in the proceedings wished to have a witness called, such witness was called at the expense of the Commission.

Copies of the evidence were made available to interested parties.

Although the Order in Council included some ten headings of reference, for convenience and in an effort to maintain a more





orderly presentation of material, the hearings were organized under four main headings with the ten headings or terms of reference fitting into these main headings. With the same purpose in mind this report will in general follow the same plan. Subheadings will be used as well to help in organizing the subject.





P A R T ITHEFTS AND CONSPIRACY TO COMMIT THEFTS

This heading embraces terms of reference 1 and 7 both of which are quoted in full.

"(1) whether any present or past official or employee or present or past elected representative of the City of Calgary has stolen money or anything else of value or obtained money or anything else of value by fraud or other improper means since the year 1960.

(7) whether any group of persons has existed or now exists which had or has as its purpose the theft or fraudulent obtaining or the obtaining by other improper means of money or anything else of value from the City of Calgary. "

A. TRANSIT:

(1) Incidence of theft or suspected theft:

In respect to the subject matter covered by the above heading as well as in respect to some of the other headings testimony was heard and evidence obtained back as far as the year 1960. It should be pointed out that in going back this far the intent was not to resurrect old cases long forgotten but rather to search out the general facts to see if there was any sinister conspiracy of a continuing nature or any pattern.





During the course of this "back-tracking" every attempt was made to avoid using names. This was done with two purposes in mind: One, to save a repetition of press exposure where it might involve persons who had already paid their penalty to society and might perhaps have happily re-instated themselves, and two, to avoid giving away any information that might be useful to the police in the event it might be thought that prosecution should still be sought. To accomplish this a system of identification by using letters of the alphabet rather than names was adopted in most cases. As well on the odd case where a name came out the representatives of the news media were asked to not print the name and they cooperated freely.

On several occasions during the hearings, witnesses either of their own volition or by request of counsel asked for the protection of the Evidence Acts and in each case the request was granted.

The story that unfolded in respect to theft in the transit system was one of a pretty consistent series of petty thefts, mainly by bus drivers and dispatchers.

Witnesses such as Bert Freeman, J. R. Nicholson, John Miskae, and J. W. James detailed some of the various





methods used to take money or tickets. Although there were many variations, the usual methods were to pass the hand over the fare box as if dropping a ticket in when tickets had just been sold to a customer, or if it was a case of depositing change, a smaller coin would be dropped in the fare box and the larger coin pocketed. Another more common method was to jimmy the fare box so that the built-in security that each box had was rendered less effective. It is impossible to begin to assess just how much money was lost to the City of Calgary over the last ten years by these tactics but it should suffice to say that the estimate ran from "coffee money" 50¢ to \$1.00 to as much as \$12.00 per day.

But it was not just the drivers. The men responsible for removing the fare boxes from each bus after a run had access to these boxes and some of those concerned quite clearly worked out methods of opening some of these boxes and as one said "skimming" off some of the contents. Instances of vault doors being left open at night through carelessness, with full fare boxes stored in them, fare boxes containing money being left unattended on the trolley or moveable bench during the evolution of drawing them or storing them were described.





It is quite clear that during the period from 1960 up to perhaps the time of the hearing, but certainly up to 1969, there were thefts in this department and that they were substantial enough to warrant serious efforts to be taken to prevent or at least cut down the incidence. In one instance where there was a conviction in 1969, the witness said he and an accomplice were getting some \$600.00 per month and this was over a period in excess of a year.

During the earlier period here the policy seemed to be that it cost more to introduce preventive devices than the probable loss being suffered although the 1969 prosecutions seemed to alert the authorities to the dangers and improvements in security were accelerated.

That the attitude of management was casual, did not take these thefts too seriously, is borne out by their attitude when those employees who might be described as in the "firing line" referred problems to them. Nicholson in complaining of discrepancies on the way forms were verified was told that he "worried too much" and that it was the responsibility of the City Hall cashiers and none of his business. Other examples could be recited.



Keys were for the most part treated very casually. If one had to be repaired or a fare box had to be repaired they were left with the shop responsible for repairs for long periods of time without any serious attempt at supervision. The evidence brought out stories of missing keys, keys offered for sale, keys for locked areas left in the hands of caretaking staff, keys that were available at the suppliers plant, and so on. Similar loose practices could be described in respect to almost every operation where the fare money was involved, or money bags being delivered by almost anyone, no proper seals on money bags, sloppy procedures in the verification forms, sloppy handling of lost and found articles that had been turned in, missing sheets of tickets from the ticket pool.

In conclusion under this heading it is the view of the Commissioner that until 1969 at least the transit security procedures were in a mess, with the general attitude one of careless casualness. It was only dirty old coins so why get excited if a few of them go for coffee money. Of course such an attitude breeds its own problems and it is not surprising that by 1969 it had reached what might be termed dangerous proportions.





Under this heading the Commissioner has no trouble in finding that some past employees and some present employees have stolen money since the year 1960. For the most part the defaulting employees have already been brought to task. The one or two still in the employ of the City at the date of the hearing of this Commission will not be named in this report but they are known to the officials and will no doubt receive appropriate action in due course.

It should be observed that recently due to the temporary illness of R. H. Wray, Manager of the Calgary Transit System his assistant William C. Kuyt has assumed a more active and responsible role in connection with security in the system and the improvements are quite noticeable. In this respect his research into the new type of fare boxes used in Chicago is worthy of note.

#### R E C O M M E N D A T I O N S

1. That the Chicago type fare box or some similar type be substituted for the present types of fare boxes as soon as possible.
2. That the proposals for improving security in the Transit System as suggested in the "in camera" evidence of William C. Kuyt, Found in Volume XX-A of the transcript, be adopted as soon as practicable.





3. That wherever and whenever any evolution involving the removal or inserting of fare boxes, the transfer of any receptacle containing money, or the handling of money bags takes place it be done by no less than two persons.
4. That every effort be made to ensure tight security over fare box keys and other keys and wherever possible in the future the adjustable type of key or lock be obtained so, that even if keys are obtained improperly, frequent and surprise adjustments in the keys or locks can offset such acts.
5. That any valuables, money or otherwise, that are turned in to the "lost and Found" department be made the responsibility of one or more specific individuals who must be made to appreciate that responsibility.
6. That management make inspections of the facilities where fare boxes are handled and where money and tickets are collected for transshipment to City Hall for counting, at irregular intervals and without advance notice, to check on whether security routines laid down are in fact being followed.
7. That the manual covering this phase of department activity be updated and maintained in a current position.

(2) Possibility of additional thefts due to lack of security

This subject to some extent overlaps the preceding one and some of the observations already made apply equally here. The Chief Accountant (Administrative Assistant) in explaining the procedures now followed in handling the fare boxes taken from buses and the recovery of the money from them, explained how over holidays or weekends the vault is unable to accomodate all of the cash vaults



taken from the buses. In the result some of these money containers are stored in a holding room. There would appear to be no well defined routine to spot malfunctions in the cash vaults or other equipment which of course weakens security. There is no routine laid down to check volume even by weighing. When it is remembered that we are here dealing with uncounted money it seems that even with all the new safety routines that have been introduced there is still some vulnerability.

There can be no system devised by man that can completely baffle a determined thief or robber but certainly the temptation can be removed and the opportunity of carrying out an undetected theft can be all but eliminated.

At the request of the Commissioner, William Kuyt, Staff Inspector Roberts and William D. Kinsey made a special trip to Chicago to examine what security measures had been adopted by that City following disclosures that some \$6000.00 per day was being stolen. These gentlemen described the new type of cash vault that had been devised for buses and the method of pulling them from buses and dumping them in one operation without the cash vault being open to any person during the process. Mr. Kuyt in describing what he had observed at Chicago was able to indicate the different alterations and adaptations that could be carried out in the Calgary system to attain the same degree of security that the Chicago





people were satisfied they had reached. Mr. Kuyt is or already has submitted plans to his superiors in this regard. He is confident that whatever initial capital outlay may be required will in a very short time result in a recovery of the capital investment by savings in man hours, increased efficiency, and by requiring less cash vaults due to maximum utilization. This is without the added benefit of increased security. It is not proposed to recite the improvements recently carried out by Mr. Kuyt's department nor to recite his recommendations if for no other reason than the less advance publicity of these items perhaps the better. The Commissioner does observe that he was impressed by the testimony of Mr. Kuyt and by what he has done to tighten up what might be called a "loose ship".

#### R E C O M M E N D A T I O N S

8. That in addition to the Chicago fare box referred to in Recommendation 1, the complete "pulling and dumping" system as used in Chicago be introduced in Calgary with of course modifications to suit local size and conditions.
9. That Mr. Kuyt's suggestions with respect to rearranging the site where fare boxes are pulled so as to convert it into a single location for pulling the fare boxes or cash vaults be followed.
10. That although the Commissioner cannot say for certain that the old practice of allowing employees to purchase anti-freeze, tires and other items wholesale through the City was being abused this practice if still permitted should be stopped forthwith as the danger of abuse is self evident.



B. CASHIERS' DEPARTMENT

(1) Incidence of theft or suspected theft

Six individual witnesses testified under this heading. Each one recounted his or her own personal experiences, observations, and in the case of four, admitted using or taking money while it was being counted.

One gets a picture of the bags of coins mixed with tickets being treated almost with contempt, it was not a valuable belonging to the City, but something like grain. Just as a farmer might pick out a handful of grain as a sample from time to time as it comes out of the thresher or combine so did some of the counting staff in the cashier's office.

Five out of the six witnesses mentioned above were or had been employees of the City and all six requested the protection of the Canada and Alberta Evidence Acts. Four of these persons are still employees, two of them in the cashier's department.

The evidence showed that almost anybody could go into the area where the counting machine was housed and that parts of the machine could not be watched from outside, doors between cashiers at the front and the counting area were not kept locked, money was left





open to members of the staff, smocks worn by the personnel became so dirty that they were not worn, almost everyone seemed to be engaged in collecting "US" money or "foreign" coins, and cashiers were allowed to draw on the money for change.

The procedures followed and the equipment and facilities have been improved recently and by the time the Commissioner made a personal inspection of the area during the hearings the general appearance was one of quiet efficiency.

At one time the Calgary police installed a closed circuit television system to carry out surveillance on the counting machine. During the period of monitoring one man alone was observed to enter the room on more than one day and at least twice in one afternoon and on looking around to see that no one was looking proceeded to put both hands in the "pails" of money and place the contents in his pockets.

Two of the witnesses who testified committed perjury in the face of the Court but later returned to the hearing, accompanied by counsel, and corrected their testimony and admitted their false statements. They were each fined \$300.00 for contempt and the Commissioner understands that both levies have been paid.



The lack of security measures in the opinion of the Commissioner is in part due to growing pains as post-war Calgary blossomed forth into the bustling metropolis it now is, but it is also to some extent partly due to the long period of laxness in security. With the history of the promotions of some of the help -- those particularly mentioned as having made free use of "coffee money" -- one cannot help but suspect that some of those who started to help themselves as bus drivers, continued the habit on promotion to dispatchers and followed the practice on graduation to the cashier's office. Only such a state of affairs could have lasted as long as it did where the right combination of circumstances continued, viz. rapid expansion, internal promotion, lax supervision, no real discipline or supervision from above until recent years, and a complete lack of sanctions, namely little fear of prosecution. More will be said later under another heading in respect to prosecutions.

#### R E C O M M E N D A T I O N S

11. That closed-circuit type television be installed in the cashier's office, particularly where the counting takes place. That it be of a type that can tape the picture so as to render identification of the person and of the acts beyond doubt. That the employees be alerted to the fact that such a system is in effect but of course they not be told as to when it may be operating if continuous operation is not practicable.





12. That the counting machine be secured in such a manner that it cannot be zeroed during operation except under the scrutiny of the supervisor or some other independent person.
13. That the modification with respect to the smocks worn by the men operating the counting machine whereby all pockets were sewn up be extended to all personnel having any access to the room in which cash or loose money is handled.
14. That with respect to Dennis McIvor and Edward James Ross the fact that they have paid a fine for contempt after correcting their perjured evidence be taken as sufficient punishment and no further charges be laid.
15. That because of the general attitude, to be discussed in more detail later, of not laying charges during the past ten years, no prosecutions be contemplated in respect to any of the cases that may have been exposed to date but that in future the deterrent effect of the threat of prosecution be resorted to.
16. That with respect to personnel still in the employ of the City who have been named as having taken money or who have admitted taking it because of the past policy, they not be discharged but transferred to another department where money is not handled and that the transfer be carried out in a manner not calculated to advertise what is happening. In making this recommendation the Commissioner is not to be taken as condoning what was done but is merely saying that unless all are "punished" it is not "cricket" to single out those few who at least admitted what they had done and at least one of whom had already quit what he was doing because he did not feel right doing it. To some extent the past lax attitude of management here contributed to the problem.



17. That no matter how convenient it may be no money as counted from the transit system or parking meters should be used for making change in the cashier's office or for replenishing the "floats" operated as part of this office, but all monies counted should be deposited in the bank. That to permit otherwise makes it too difficult to keep a tight control over security procedures as may be laid down from time to time.

(2) Possibility of additional thefts due to lack of security

Some very worthwhile information was obtained from the testimony of Henrik Vandendoom, who has been Chief Cashier for the City since 1969. He described his position as overseeing the Cashier's Department and issuing instructions as they may come from City Management. All cash received by City Departments and all money that comes by mail is counted in his department and banked.

It appears that there is no particular control to prevent the tampering with the meters or the coin counting machine, there is nothing to prevent the machine operator from zeroing when the machine is stopped even during a count, and the assistant Chief Cashier who is to supervise the counting has no special instructions as to how the operation is to be carried out.

When the Commissioner made a personal inspection of the operation it was apparent that the position of the hopper or tray in which the coins and tickets are dumped before passing through the machine was such that the sorter's hand and arm





was at times obscured from the supervisor if he was watching.

This observation was confirmed by R. J. Ross who had been Chief Cashier. He described how the supervisor could only see part of the counting process and also since he had other work to do could not keep a continuous watch. Apparently there had been poor coordination with respect to repairing the machine when it breaks down. This in turn could result in the counters having to work overtime with consequent security risk.

Stanley Kay who is Chief Internal Auditor of the City gave evidence in respect to security here in relation to his department. It is not proposed to discuss his evidence in detail under this heading as it will receive more attention under another heading. He mentioned that counting meter proceeds to establish standard takes for each meter was not done anymore. Single men collect this parking meter money, with confidential checks on them twice a year.

During the early stages of the Inquiry William D. Kinsey was brought in to assist the Commission on accounting aspects. This man is a chartered accountant with special ability and experience in the detection and security aspects of accountancy. His evidence and recommendations will receive full attention later in this report. Under the present head it should however be observed that he demonstrated how the re-setting of the counting machine could be re-set to zero and it is understood



the staff have already corrected this risk. Again he showed the hearing how coins could be removed from the vaults used in collecting parking meter money. Many other weaknesses in security were pointed out by this witness but there is no need to list each one as the appropriate officers have access to the transcript of his evidence.

In conclusion under this heading it is the opinion of the Commissioner that, while much progress has been made recently to prevent thefts, there are still avenues open to minimize the risk. The following recommendations are supplemental to those recommendations set forth under the previous sub-heading and to those which will appear in other portions of this report.

#### R E C O M M E N D A T I O N S

18. That a mirror be placed over the counting machine tray to permit the supervisor to have complete visual control over the operation.
19. That all employees working in or frequenting the counting room be provided with smocks or jump suits without pockets.
20. That consideration be given to implement the many specific improvements outlined in the testimony of W. D. Kinsey, which, although are considered to be important by the Commissioner, do not merit cataloguing here in the interests of space.
21. That the suggestion of bagging the coins rather than sorting them into paper tubes merits careful consideration and if it can be done with minor modification to





the existing counting machine should be resorted to as soon as possible.

22. That greater emphasis be placed on special key boards with serious controls being imposed over the manner of withdrawals of keys from same.

## C. OTHER DEPARTMENTS

### (a) Manchester

This area commonly referred to as the Manchester Complex constitutes the largest collection of City stores and supplies as well as shops and equipment storage. The compound is bisected by 26 Avenue S.E.

Among other things there are such installations as maintenance buildings of the Engineering Department and of the Electrical System. Many non-transportable heavy items such as transformers, coils of electric cable and wiring, sand and gravel, to mention a few are to be found here along with tools and other small-size items. Vehicles are stored here and the usual collection of employees' cars requiring off-street parking is found located throughout its area.

The two halves of the complex are fenced in various ways. There are four gates that appear to be kept open at all hours.



G. C. Hamilton, The Commissioner of Operations and Development, who is the Commissioner for the several Departments using and occupying the Complex testified as to the security measures in force and described some of the problems. A great many of the items stored here are heavy and not normally the type of thing one would expect to attract a thief, e.g. transformers, scrap copper wire, and so on. And yet the copper in all its forms seemed to attract thieves. Several reports describing thefts of these materials were filed at the hearings and discussed in some detail. This witness went into some detail showing how the records over the last ten years appeared to indicate a very small amount of loss through stealing despite the fact that there are around 4000 employees having access and the annual gross turnover of material is some \$4,000,000.00. Mr. Hamilton is understandably proud of this record.

Mr. D. J. Byrne, the Chief Steam Engineer is, in addition to his duties as Engineer, responsible for security of the Manchester Complex. The picture he paints is not as encouraging as the one by the Commissioner. It is perhaps best summed up by his description of the "security men, such as they are" and by his use of the phrase to the effect that existing measures were an "excuse for security."





The evidence before this commission shows an inadequate fence surrounding two areas that are separated by a street open to the public, with four unlocked gates giving access, poor lighting, employee parking areas intermingled with City vehicles, some even parked adjacent to storerooms thereby giving easy access to stores. Some 350 City trucks and vehicles left unguarded and unlocked over night, trucks and vehicles going and coming at all hours with no check, and all under the guardianship of three employees who, being unable to any longer do heavy duty, have been re-tired to security duty. And of course this number could never begin to give around the clock surveillance but were really only a fire watching crew, and without any ready method of calling the police.

At the conclusion of the Inquiry the Commissioner made an on the spot inspection of this Complex. One would have expected the conditions to have tightened up after several days of testimony criticizing the security in force. If this be so then it must have been a bad situation before. To catalogue only a few things that were observed at 5.30 p.m. on the week day the inspection was made: no one on the gate, some rusty keys hanging on a nail at the shack serving as a gatehouse at one of the gates, private and city vehicles and trucks moving through-



out or parked almost anywhere, City trucks parked around the yard, unlocked, keys in the ignition, and tools and stores lying in them waiting to be picked up. It can only be described as wide open. It should be noted that what appeared to be Electrical Department trucks were parked with keys in the ignition but the doors locked so one surmises that the driver had a duplicate.

It is to be hoped that Commissioner Hamilton's information is correct - that there has been little stealing in Calgary. If this is so, and the fact that there has been no serious instance of vandalism, is indeed a tribute to the honesty of the citizens of Calgary (which inherent honesty the Commissioner does not doubt) and a further tribute to the good luck of the same people.

The Commissioner leans rather to the feeling that more has been taken than realized, that perhaps the inventory systems have in some instances been used to balance losses pretty much the same way as ship's stores are known to be written off as lost at sea.

Commissioner Hamilton who has just recently joined the Calgary City Administration and cannot be charged with the above situation which has obviously been growing for some time, was interested enough to encourage





some research into the problem, viz. the Chalkley and Clovechuk report of June 1970 and the Webb Memoranda. His memo of August 21, 1970 shows a realization that something must be done and his concern as to the philosophy management must adopt - that is the cost of security must be related to the rate of loss that can be tolerated. His decision was to await the results of the present inquiry before taking serious action.

It is the considered opinion of this Commission that the security measures presently in force at the Manchester Complex are seriously inadequate and that even if the losses as reflected by the present inventory controls do not appear to be heavy they may not reflect the true situation. In any event the "wide-open" aspect of the complex is an invitation to not only theft but vandalism. The concern of management not to become involved in security measures that as one witness put it would make it a Fort Knox is quite understandable. On the other hand one bad case of vandalism could cost the City of Calgary in excess of hundreds of thousands of dollars. It was only last year that almost one-third of the school buses in the City of Denver were burned by drivers on strike.



R E C O M M E N D A T I O N S

23. That the various recommendations made by H. C. Chalkley and P. Clovechuk, (too numerous to list here) be studied carefully with a view to eventual implementation. .
24. That the suggested Civic Security Committee be instituted as a serious working Committee with representatives from the Internal Audit and Calgary Police Force.
25. That if it is not found to be practicable to consolidate employees parking into one compound then the parking areas be carefully delineated, located away from stores buildings, be restricted to employees carrying permits or identification, and that spot checks at irregular intervals be made of these vehicles.
26. That if it is not found to be practicable to close the street which bisects the compound, then suitable gates be installed with security men positioned at each gate who will be instructed to restrict access by unauthorized public vehicles, who will make spot checks of City vehicles, and who will keep a record of each vehicle passing through the gate with time noted.
27. That an education programme be entered into as soon as the Security Officer, to be mentioned below, has been appointed, the purpose of which will be to instill in the employees their responsibility to be careful with tools, equipment and material belonging to the citizens of Calgary and to point out how it is their duty as citizens to report any suspected infractions of security, and that this education programme be continued.
28. That the exterior fence and compound fences be improved to the point that there are no depressions under which persons may crawl and where entrances





are protected with proper gates which are manned or which can be padlocked when not actually being used.

29. That the compound be floodlit including the external fence area so as to minimize the opportunities to dig under or cut through.
30. That non-regular night patrols around the outside perimeter of the compound be organized and carried out by the Calgary City Police until a Security Officer has taken over and organized his own security measures.
31. That systems of electronic alarms and/or TV surveillance be utilized when practicable and as may be recommended by the Security Officer.
32. That as soon as the Security Officer is appointed and has staff the responsibility for the security at Manchester Complex be taken away from the Engineering Department.
33. That until proper security measures have been set up, direct communication between Manchester Complex and the City Police be set up - either phone or radio.
34. That this Commission does not believe that a system cannot be worked out whereby City vehicles can be fuelled and stored in the evenings under lock and key.
35. That the property clerk or whichever person shall be found to be responsible to ensure the proper recording, marking and inventorying of tools and equipment be carefully instructed in his duties and that Internal Audit set up a procedure whereby his functions can be checked.
36. That the principle of continuing "light-duty" men as employees is a laudable one but jobs relating to matters of security do not lend themselves to this type of employee and they should be employed elsewhere.



37. That the practice of allowing tools to be left lying around rather than locked up is to be discouraged.
38. That all gas or fuel pumps should be padlocked, at least during non-working hours.
39. That such heavy items as large transformers should be considered a security risk and accordingly some controls should be instituted to keep track of them and to prevent tampering. The same reasoning to apply to scrap bins where valuable material such as copper is stored.
40. That where applicable, the recommendations set forth under this heading, be carried out in respect to the district depots as well.

(b) Generally

Under this heading the problem relative to thefts and conspiracy to commit thefts will be treated in a more general manner but with special emphasis on the parking meter monies.

Some years ago as the City grew the collection and counting of cash became centralized in City Hall and no longer handled in outlying areas. Included in the money collected and turned in for counting at the Cashier's office is all parking meter money.

There can be no doubt but that there is poor or inadequate security in the parking meter collections. The manual has not been updated from 1963 although changes in procedures have been introduced. There has been no real





checking down the line to see if all is well. At the hearing a demonstration showed that by merely rolling up a piece of paper and inserting it in the so-called safety opening or spout of the vault used for collections the coins could be made to pour out. As a result of this demonstration and other suggestions made during the inquiry it is understood that Mr. Vandeenboom, Chief Cashier, has already made changes to improve the security, some of which will be mentioned in the recommendations to be made under this heading.

Some of the recommendations may be initially presented by the personnel involved but it is submitted that the more apparent security measures can be made to appear the less likely are those involved to be met with remarks reflecting on their honesty. It is in the interest of the employee to be able to tell the public the system prevents him "helping himself".

Loose procedures in respect to collecting monies for dumping at sanitation sites, in respect to the handling of wire and supplies once it leaves Manchester on the service trucks and in respect to other functions were all brought out at the hearing. There is no need to repeat what is already in the evidence, transcripts of which have been made available to the City departments. It is to be hoped the Department heads will read the



evidence and profit from the observations and criticism contained therein.

While the same criticism can be made and will be made elsewhere, there can be no question but that one of the basic problems with security and its failure to prevent or minimize thefts or the opportunity to steal is and has been the failure of department heads at any level to do their job in this respect. Throughout it is absolutely apparent that whether it be the Commissioner, the Department Head or a Division Head, each in turn relied upon some one else to see that security was looked after, -- a complete "Let George do it." No where could evidence be found to suggest that the "boss" was checking into things. I am mindful of the old navy days where Captain's Inspections, First Lieutenant's Inspections, and Petty Officer's rounds were carried out, often without warning, to ensure that all was shipshape.

There are many examples of this lack of what I choose to call proper control from the top, but one example should suffice here. James M. Currie who is Deputy Treasurer was being examined in connection with the procedures laid down in the Parking Meter portion of the Manual.





"Mr. Neuman: Q. Do you personally take some of the responsibility in connection with procedures for collecting parking meter revenue and counting it?

A. No, I don't.

Q. Who has the direct responsibility in that regard?

A. For collecting it? The parking meter employees themselves.

Q. Do you know if anyone else has the responsibility, for example, to ensure that the Manual reflected the current procedures?

A. Well, the internal auditors would probably do that."

The questioning then continued along the line as to whether anyone in the Finance Department took it upon himself to check out whether the procedures were adequate. The answer was that once the money was brought into the cashier's department they were concerned with it but as to the matter of collecting it, here is the answer (and the attitude):

"Q. The matter of collecting it out on the street, what about that?

A. I have never observed that myself, but I believe the internal auditors do."

It is this Commissioner's observation that there has been a complete abdication by the persons who should be in charge, in favour of the internal auditors. Whether



it be bus money, meter money or any other type, no one seems to care until it is delivered. Then it suddenly seems to become valuable and assume a responsibility. It is not up to the internal auditors surely to provide the function of good management. It is no wonder there have been thefts and suspicion of thefts.

#### R E C O M M E N D A T I O N S

41. The Finance Section of the Manual, more than any other, should be up to date and kept up to date at all times.
42. Throughout the Civic System whether it be departments handling money or departments handling stores or supplies or repairs, there be a general and overall tightening up of security and a checking of unauthorized personnel.
43. That the gas pumps be placed under some form of I B M type of card control or drivers required to purchase only with Credit Cards issued with each vehicle.
44. That the suggestions made by W. D. Kinsey in respect to parking meters be examined carefully and as much as possible followed. Included among these are:
  - (a) Spot checks and surveillance be maintained.
  - (b) Canisters be inventoried on a weekly basis.
  - (c) The route numbers should be marked clearly on the canisters to prevent improper use and that better sealing procedures be found.
  - (d) As soon as practicable the Chicago type meter be obtained.





- (e) That the collectors be dressed in distinctive uniforms with no outside pockets and each person be required to check his personal money before beginning the day's work.
  - (f) That such devices as using marked money, developing area statistics, and so on be used to test the honesty of personnel -- and that they be advised that surveillance is being maintained over them.
- 45. That, while it is reassuring to have the assistance of internal audit, management itself must assume its own role in enforcing security and in testing same from time to time.
  - 46. That the practice of allowing parking meter employees to be responsible for themselves be changed and put under a responsible officer in the Cashier's office.
  - 47. That it is not fair to the parking meter employees to leave them in the position where they are responsible for themselves and where the foreman only reports to the Deputy Treasurer once a month.
  - 48. That in updating the Finance Manual the Parking Meter Sections be correlated with the Cashier's Section to cut down on possible confusion.
  - 49. That because the episode in respect to the removal of certain City tools to a cabin at Buffalo Lake took place several years ago, no prosecution at this time be contemplated.



D. APPLE TREE

Although the facts as they emerged under this heading at times took on all the facets of a comedy, nonetheless, some very important lessons as to how the democratic process works at the municipal level came out. The inquiry here was, however, mainly concerned with whether there had been a theft by an alderman or an improper benefit obtained by the said alderman.

What might have blown over as a relatively minor indiscretion by a City Alderman got blown into major proportions as a result of a complaint initiated by Alderman E. J. Dooley who appears to have constituted himself a one-man watchdog over Alderman J. Kushner. It appears that in late June Alderman Kushner proceeded to the Baldwin residence located in an area of Calgary which was undergoing Urban Renewal. Negotiations were under way between the Baldwins and the City with respect to pending expropriation. Kushner had been holding a brief for the Baldwins and the City was being represented by Edward Burgoyne, project manager of the Housing and Urban Renewal Department.

Kushner accompanied Burgoyne to the Baldwin residence as Burgoyne had a proposition to put forward. As they got out of Burgoyne's car and walked towards the house Kushner claims he mentioned certain trees on the adjacent Y.M.C.A. land which might be destroyed as part of the project. According to him





he suggested to Burgoyne that if this was so: "I can't see why I can't have that tree" (an apple tree). Alderman Kushner took Burgoyne to have said "yes" to his inquiry. Mr. Burgoyne on the contrary is emphatic that at no time did he give permission to remove the tree, his explanation being that he was shocked at the suggestion and attempted to blot it from his mind, preferring to concentrate on the Baldwin matter.

In any event, Alderman Kushner proceeded to arrange to take the tree to his son's premises some time later. It is not necessary to go through all the peregrinations. Suffice to say that eventually the tree was loaded by equipment being operated on the job, and moved by truck under police escort to its new home. Whether a tree of this size, some 15 to 18 feet high, could be successfully transplanted in midsummer is in itself a good question.

As a result of the queries this single tree finally resulted in a very acrimonious meeting in the office of Mayor Sykes where he tried to resolve the matter having called both Burgoyne and Kushner to his office, at least one meeting involving Burgoyne and Commissioner Strong, another involving Burgoyne and Commissioners Hamilton and Forbes, a report by Deputy Chief of Police Gilkes, several police interviews, and letters and memos numbering in excess of twelve.



I am satisfied that Mr. Burgoyne never gave permission to remove the tree and I am equally satisfied that although Alderman Kushner did not obtain permission he in his own mind felt he had been given permission and therefore acted innocently. No loss was suffered by the Urban Renewal Authorities or by the City. It is my observation that the only real loss was the effect on morale of the City Administration where as I see it a City Alderman abused his position as an alderman, while on the Police Commission, and when "caught out" shall we say ran to the Mayor for help. The resultant meetings outlined above were no doubt to a considerable extent prompted by an effort to "cover" for the alderman. The Mayor was quite right in his report to Council in observing that it was a "minor misunderstanding blown up out of all proportion" but it is regrettable that in the same letter the Mayor uses a phrase "the only tree that survived was the one that 'got away' from Mr. Burgoyne!" Such language, whether meant to be sarcastic or not, could not help but hurt a man who in the opinion of this Commission showed as a sincere and dedicated servant of the people of Calgary and deserved a show of support from his Chief Commissioner. As Burgoyne said in his testimony "this apple tree for me has constituted a part of my life that I don't want to repeat. There has been strain and there is no question about that ... I have not come out ... in a very dynamic and forceful way because this would



only aggravate a very sensitive situation that has occurred between City staff and the political arm of the City administration."

The elected or political arm of any level of Government in the heat of debate or public exposure is prone to demand answers and explanations from its civil servants. More often than not one suspects that by the time the answers have been found, and this by the painful research of the same civil servants, the politicians are on to something else and would just as soon drop the old matter. In so doing they should, I submit, show more consideration for the feelings of their loyal servants who could do nought but take their requests seriously.

Mr. Burgoyne's reputation as a man was at stake here, also his position of trust with the City and with his co-partners of the Urban Renewal scheme. He deserved better treatment from his Mayor. As to Alderman Kushner's feelings - the damage to them can perhaps be best assessed by remembering that instead of having learnt from his experience he apparently saw fit to perpetuate it by a float in the Stampede parade.

Alderman Kushner may not have committed theft but as a City Alderman, a member chosen to serve on the Police Commission, he by his acts, and I am putting the best construction on them that I can, was to say the least indiscreet. By his indiscretion he cost the City of Calgary a great many





lost man hours, he made fools of the police on whose Commission he serves, and he most certainly seared the soul of at least one dedicated City servant.

#### R E C O M M E N D A T I O N S

50. That elected representatives refrain from having transactions with the City, no matter how innocent they may appear to be, at least until approval has been obtained from the department or division head and that such approval be filed or tabled in Council so as to make the transaction public.

#### E. CONSPIRACY TO COMMIT THEFT

The case histories of individuals such as J. W. James, found guilty of theft in 1969, J. P. Kromm, B. H. Coulter, E. J. Ross, D. McIvor and A. Early, all in the Cashier's section or related areas, may not suggest that a group of persons existed or may now exist whose purpose was to commit theft or obtain money by other fraudulent means. The fact that they appear to have operated in such a free and easy manner does however suggest the possibility of assistance from one or more accomplices, and at least suggests how free and easy discipline and security can be allowed to become. It cannot be said often enough that security measures must be maintained and laxness in this area must never be tolerated.

#### R E C O M M E N D A T I O N S

Recommendations under other sections apply equally here and there is no need to repeat them.



P A R T    I I

MANAGEMENT RESPONSE TO THEFT OR SIMILAR WRONG DOING

This heading embraces terms of reference 2, 3, 6 and 10, which are quoted in full:

"2. Whether any present or past official or employee or present or past elected representative of the City of Calgary has failed to act upon any information received by or brought to the knowledge of him indicating that money or anything else of value has been stolen or is being stolen from the City of Calgary and if so, was such failure to act justified."

"3. Whether any present or past official or employee or present or past elected representative of the City of Calgary has failed without justification to act upon any information received by or brought to the knowledge of him, indicating that any person or persons had obtained or are obtaining money or anything else of value by fraud or other improper means from the City of Calgary."

"6. Whether any present or past official or employee or present or past elected representative of the City of Calgary has failed to take appropriate action against any person admitting to or suspected of the theft or the obtaining by fraud or other improper means of money or anything else of value from that city."

"10. Whether any present or past official or employee or present or past elected representative of the City of Calgary has failed or neglected without justification to communicate or otherwise report to the appropriate authority any information concerning the actual or possible theft or the actual or possible obtaining by other improper means of money or anything else of value from that city."





A "WRONGDOERS" NOT CHARGED UNTIL 1969

The testimony under this heading is located throughout the transcript. Portions of the testimony of the following persons, in particular, must be looked at to get the full picture here: David Edward Linden, William C. Kuyt, Det. Sgt. R. T. Caines, Det. Sgt. K. Johnson, H. G. Arscott, S. Kay, A. H. Nicholson, M. Tennant, Alderman Farran, K. R. McIver, Chief of Police Kent, the Mayor and Commissioner G. Hamilton. Included with this great volume of evidence are several memos, letters marked as Exhibits, and several personnel files and police reports. Following the policy outlined earlier in this report the personnel files and police reports were identified by letter rather than by name.

There can be no doubt but that except for charges laid and prosecuted in 1969, the period from 1960 to 1970 saw no charges laid and no prosecutions attempted.

Mr. Linden, who had been a bus driver for the City for some 25 years indicated that drivers knew stealing was going on, some of those involved boasted about it, and it was his belief that the prevalent impression was that there would be no prosecution if a person was caught, he would be fired instead, and this was to avoid a public scandal. It was his feeling that had the infractions been turned over



to the police for prosecution there would not have been so many cases of theft. Inspector of Transit Ross in giving his evidence was satisfied that the "bad ones" were always eventually caught. It is to be noted that management never reports back to him what action may be taken on the ones he turns in and that he has no knowledge of what happens to them.

William C. Kuyt who was responsible for security of operating personnel in transit made it clear that he favoured charges being laid but that until 1969 when the police went ahead with charges on their own, the policy was to not lay charges. He indicated that each time he made the recommendation to his immediate superior Wray he gathered that either Wray himself was satisfied not to have charges laid or that decision was made in time by Wray's superiors, the Commissioners. In any event this man was left with the impression that "no charges" was a policy decision and that it came down from the Commissioner level.

On one occasion according to Kuyt he was told not to call the police in. It is interesting to note that in the instance already discussed under another heading where several men were observed pocketing coins while under TV surveillance, not only were there no prosecutions but one of the persons was transferred to a different department where again he had access to money.



Commissioner G. Hamilton is firm in stating that so far as he was concerned there was no policy of no prosecutions, no sweeping under the rug, and that there was no immunity from prosecution for anyone who was caught. Commissioner Forbes took the same attitude as Hamilton. One gathers from his evidence that when matters of theft came before the Commissioners they, rather than direct any action or lay down any policy, left the matter to the department head and took the report to themselves as being for information only. The same approach is found in the Transit Committee during the years it functioned. Tennant who was Chairman stated that if Wray advised the Committee of such items the Committee took it as information rather than as a request for direction. He seemed to voice the fear that one suspects underlay the approach of department heads as well, namely, that if a prosecution failed then a grievance committee hearing with Union support might result in the man being returned, that therefore it was better to accept the man's resignation. Tennant thought that looking back it might have been wise to consult with the legal department and that anyway they assumed it was up to the police.

When the testimony of the various police witnesses is examined it becomes clear that on most of the occasions when they were brought in to make investigations they recommended that prosecutions be laid. For example Detective Sergeant K. Johnson





who took part in investigating the disappearance of City equipment at Buffalo Lake recommended that charges be laid. Instead the department men were only interested in getting enough evidence to justify discharging the man responsible, although it should be observed that Mr. Salmon, City Solicitor, was advised by Crown Prosecutor R. Collins that a prosecution may not be successful.

Former Chief of Police K. R. McIver testified on this subject. This Commissioner was impressed with this man's evidence and with his obvious integrity. No doubt the excellent police force that Calgary has now is due in large part to the impact of such men as ex-Chief McIver. He described how his men were called on from time to time to investigate operations in the transit department and how apparent it was to him that there were no well-defined rules for handling money, but rather considerable looseness. He mentions how in some cases no charges were laid because of directions from the City management.

Finally the frustration that had been building up in the police department for the failure to prosecute proper cases had boiled up to the point where McIver wrote a letter on November 30, 1966, to then Alderman Tennant, head of the Transit Committee. In this letter the ex-Chief refers to an instance involving thefts by a bus driver and how after four days investigation by his department the management decision was to merely discharge the driver. McIver stated how the evidence was sufficient to support criminal charges and how under the by-law affecting the City police in a similar type of case when policemen might be involved prosecution would be compulsory. He referred also to the failure to prosecute



the Buffalo Lake case already mentioned and concluded by saying: "Strong resentment is being built up in the Police Department over such discriminatory treatment, as positions of trust are not restricted to my department. I would urge that consideration be given to the laying of criminal charges in the instant case (Buffalo Lake case) in the interests of morale." A copy of this letter went to Robert Wray, Superintendent of the Calgary Transit System.

The above serious letter was not even answered. The Chairman of the Transit Committee took it merely as information apparently and continued to rely on recommendations of Mr. Wray not to lay charges. This Committee as has already been observed took its function as not being directly concerned with offences by Transit employees. As so often was the case during this Inquiry, when a problem came before those who might be expected to make policy decisions, the only decision was to concur in management's decision. No policy was laid down, in fact policy never seems to have been ever debated. It is easy to see therefore how over the years, with no direction from the top - from elected or from Commissioner level - that men like Wray, assumed the role of arbiters of these matters and took the easy way out - discharge, accept resignation, or so on, rather than "rock the boat" or attract unnecessary publicity.

The most charitable thing that can be said of this





approach is that men at this level perhaps could not be expected to see the erosion of discipline and security that a continued "non-prosecution" policy must result in. And of course the indirect but more serious undermining in liaison between the Police Department and the City was permitted to develop unhindered.

In the Transit Department W. C. Kuyt seems to have been the only one to see what was happening and what should be done, but having made his feelings known, as he says "he didn't think he should debate with his superiors."

From the testimony which came out during the hearing it seems clear that at all times with which the Inquiry is concerned, the Calgary representatives of the Department of the Attorney General were always readily available for legal advice, as also the legal Department of the City itself, but City Departments rarely if ever sought the advice.

The City Police took the attitude towards the City that they did towards a major corporation, namely, the decision as to whether there would be a prosecution for internal theft or other defalcation was for corporate management. The City, on the other hand, appeared to be more concerned with what would happen if a prosecution failed - could the man's discharge be maintained, would he sue for wrongful dismissal, would the union grievance committee



interfere. These considerations have some validity but it is my opinion that what might be called a cautious approach to the problem became in effect the policy, with the result that employees need only face loss of employment with no other penalty.

It is the opinion of this Commissioner, that while in some cases the evidence may not have been strong enough to warrant prosecution, that there were many cases where there should have been prosecutions. Certainly a great many of these cases should have at least been referred to the legal department, or better yet to the Attorney General's representatives for an opinion as to whether charges should be laid. To allow a feeling to grow among employees that the sanction of the law would never as a general rule be applied, removed the most effective deterrent to the commission of the offence, and was not fair to the larger numbers of employees who remained honest. The "double standard" that was enforced against the police who should do wrong was also to be deplored.

Mayor Sykes remarked on how after his election to office he sensed no trust or confidence as between the police department and the City departments, including the Mayor's office. He told of how the Transit theft prosecutions that were finally proceeded with by the police on their own in 1969 were done without even advising himself, as Mayor or as Chairman of the Police Commission. That the feeling of mis-



trust had reached these proportions by 1969 is reprehensible but in the light of the circumstances discussed under this heading is quite understandable. Mayor Sykes stated that he as Mayor has laid down a policy to prosecute if there is any wrongdoing, it is to be hoped that this policy be maintained.

Perhaps something should be said in respect to the position of Attorney General in our system of Government.

The Attorney General is the chief law officer of the Crown and as such has a double role:- one as an officer of the public, the person to whom an individual must look for the protection of his rights; and two, as the Queen's Attorney, and as such responsible for the public prosecution of offenders. In this position, although an elected member of the legislature and a member of cabinet, he must exercise a degree of independence quite different from that required of any other cabinet member.

In his position as the Queen's Attorney he has almost judicial attributes and is responsible to the Queen not to the Government. When he makes a decision to prosecute or not to prosecute his decision must not be influenced by political considerations but must be made as the Queen's Attorney rather than of the Government of the day. It is his duty to give legal advice on legislation and to Governmental





Departments, and of course on whether to prosecute or not to prosecute.

To carry out these important duties and functions requires a highly qualified staff of lawyers, from the Deputy Attorney General on down to the Crown Attorney actively doing the prosecutions in each City or judicial centre. The heavy responsibility or trust imposed on the Attorney General as described above in turn rests on the shoulders of each and every Crown Attorney.

This Commissioner knows from some 25 years practicing as a lawyer in Alberta, that the Attorney General's Department has for a great many years been blessed with a completely dedicated staff of legal advisers and Crown Attorneys, completely indoctrinated with their high responsibility. It is unfortunate that the management of the City of Calgary over the past ten years has rarely seen fit to make use of this staff and the legal services it can supply. In any important case, the question of whether there is to be a prosecution or not should be based on the opinion of a Crown Attorney, not on the opinion of management, otherwise there is the risk and suspicion that the public interest is not being protected.

#### R E C O M M E N D A T I O N S

51. That a firm policy of prosecuting for criminal acts be laid down and followed and that at no time shall employees be given the idea that the only penalty for getting caught will be loss of employment.



52. That in doubtful cases of any serious magnitude the opinion of the local Crown Attorney's office in Calgary be obtained.
53. That, while harrassment of employees for mere suspicion is not to be tolerated, and while the possibility of legal action and union action if a prosecution is unsuccessful must be kept in mind, City management must not be intimidated by such threats but show the courage and resoluteness that one expects from those entrusted to manage.
54. That serious cases of criminal or suspected criminal activity be brought to the attention of the Chief Commissioner, namely the Mayor, but that he whenever requested by the police keep such information confidential to prevent any leaks during investigation stages.
55. That for the same reasons as have been given elsewhere in this report, no cases discussed under this heading be the subject of prosecution at this late date.

B USE OF PRIVATE SECURITY FORCES INSTEAD OF POLICE IN  
TRANSIT IN EARLY 1960's

During the hearing some of the testimony indicated that on occasion private security forces were employed rather than the City police. The reason put forward was that members of the City police force were too well known to bus drivers and other city employees to permit them to be effective. This is understandable and it is quite conceivable that in the future the use of private security forces or investigators might become necessary. This Commission does not say there





is anything wrong in such practice. It is my opinion, however, that the Calgary City Police force is large enough now that such practice should not be required very often.

#### R E C O M M E N D A T I O N S

- 56.. That as much as possible the City of Calgary police force be used for investigations and surveillance rather than private sources.
57. That if private security agents or investigators are thought necessary then they be used only with the concurrence of and under the supervision of the Calgary City Police.



P A R T     I I IOBSTRUCTION, INTERFERENCE OR DIRECTIVES TO POLICE

This heading embraces terms of reference 4 and 5, both of which are quoted:

"4. Whether any present or past official or employee or present or past elected representative of the City of Calgary has in any way obstructed or otherwise interfered with the Calgary City Police Force in the investigations by that Force of allegations involving the theft or fraudulent obtaining or the obtaining by other improper means of money or anything else of value from the City of Calgary.

"5. Whether any present or past official or employee or present or past elected representative of the City of Calgary has at any time given any direction to the Police Commission of the City of Calgary which resulted in that Force not properly carrying out its functions as a law enforcement agency.

UNDERMINING POLICE BY PERMITTING ROCK FESTIVAL WHERE LAWS  
COULD NOT BE ENFORCED

The Rock Festival which took place in McMahon Stadium on Saturday, July 4th and Sunday, July 5th, 1970, provided one of the most interesting subjects in the Inquiry, as well as one of the most frightening, when all of the social and other side effects are examined.

In early May 1970 the Calgary police first heard of the possibility of a rock festival coming to Calgary. This advance warning came through the Health Officer of the City. This information caused concern in police circles and resulted in the Police making inquiries. As a result it



became clearly apparent by June that Calgary was to have a rock festival. As Deputy Chief Gilkes says: "It was agreed that we should take some steps to try and stop this thing from happening in the City of Calgary." A letter was sent to Mayor Sykes on June 5, 1970 expressing this concern over the proposed Rock Festival, suggesting that the experience of other cities was one of tremendous public resentment, depreciation of the police image because of the impossibility of coping with the resultant flagrant breaches of the law, and pointing out they could see no value accruing to the citizens of Calgary. The last paragraph of the letter indicated that the Deputy Chief of Police would appreciate an opportunity to "discuss the ramifications" with the Mayor and if he considered it advisable with the Police Commission. No official reply or action came from the Mayor's office. On a later occasion the Deputy Chief met the Mayor over a cup of coffee and inquired about the letter and was told he had received it. Apparently the only reaction from the Mayor was to take exception to the suggestion there would be problems "a large number of which we (the police) will be unable to effectively control." The Mayor's only response to this request was to say: "I would expect the Police Force to control it." He did not discuss whether it could be stopped. The letter was not discussed at the subsequent Police Commission meeting later that month.





The Mayor in his testimony on this subject insisted that on at least two occasions he "wanted to know whether we had the power to prevent this thing from coming to Calgary" and that the City Solicitor according to him "passed on the information that there was no way of stopping it. We had no power to withhold the permit or do any other thing." This, according to him, was information passed on while the City Solicitor was beside him in Council.

On the other hand Mr. Salmon, the City Solicitor, stated in evidence that his department, and he, were never asked "formally" about how to stop the Rock Festival. He stated that the members of his department discussed the Rock Festival and wondered when the Board of Commissioners was going to ask them about it but that except for a talk with the license inspector there was no discussion. Mr. Salmon said that had he been asked his answer would have been that they did not require a license to hold the festival. According to him he may have been asked informally but if so it was no more than a discussion about whether or not a license was required. He did not think he was asked by the Mayor as to how to stop the Rock Festival.

One gathers from the general trend of the Mayor's evidence that he may have been lukewarm on the idea of having the Rock Festival at Calgary but that if it couldn't be stopped by refusal of license or some such method then at



least some "potentially constructive results to be gained from being able to control and handle it." He says "I don't believe we promoted it in any sense."

Kenneth C. Walker, the major producer and manager of the show, however, in his evidence makes it quite clear that the festival would not have come to Calgary had it not been for the encouragement in and around City Hall. The initial research his group made in deciding whether to come to Calgary was done after their initial overtures to the City, qua Mr. Horsey, the Mayor's executive assistant resulted in an invitation from Mr. Horsey to come. He gathered the impression that they were "wondering why we hadn't picked Calgary, anyway. We were getting the impression somewhat that it was Vancouver versus Calgary, kind of thing, so we were given every encouragement on the very first phone call to Mr. Horsey by Hugh McGregor to come and hold the show in Calgary."

The impression this Commissioner gathers from assessing the whole of the evidence is that the Mayor and his executive assistant were all for the Rock Festival coming to Calgary, to put Calgary on the map as it were, and that no real effort was made to investigate the possibility of whether the thing could be stopped or not. A casual query as to whether a license was required satisfied the Mayor.





I am satisfied no opinion was sought or obtained from the City Solicitor or from the legal department. The determination to "let the show go on" is clearly shown from the contempt shown to the Deputy Chief's letter referred to above and by the many introductions to people that the Mayor's executive assistant Mr. Horsey made in the right places in and about City Hall to get the promoters off to a good start. It may well be that the ground swell which appears to have developed among many of the Calgary citizens as the event took place in opposition to it and to some of its side effects may have caused the Mayor some second thoughts. But the evidence in my opinion appears overwhelmingly in favour of the above position.

With no direct communication or sympathetic response from the Mayor's office the Calgary City Police were then faced with the problem of handling the Rock Festival when it came.

It is important to see what steps they were required to take to now protect the people of Calgary and their property.

In this respect it should first be observed that at an earlier period when Mayor Sykes was engaged in a discussion with the Deputy Chief on the problem of what should be done in the event of civil disorder, should the militia



be called in, the Deputy Chief was told in no uncertain terms - no outside forces were to be brought in, the City Police would be expected to handle all such problems.

A big part of police business is to anticipate problems and try to offset them, not just wait until a crime takes place. They now know that an event they tried to prevent taking place is going to take place, they must now study how to minimize the damage and impact.

Consultations of senior officers were next held. Arrangements were made to send an experienced officer to Toronto and Winnipeg to observe the progress of the Rock Festival and to report back on how the police in these centres handled matters. Liaison was set up with the R.C.M.P., particularly the drug detail. Contact was made with the police at Vancouver and arrangements made to have at least one R.C.M.P. from that Province to attend in Calgary so his experience could be made available. Immigration authorities were contacted. Requests were made of the authorities in Vancouver to notify Calgary if any motorcycle groups seemed to be coming to Calgary for the event.

At the local level complete cooperation was arranged with Medical and other departments who would have to stand by to handle the anticipated problems. As property holders near the Stadium began to protest the police attended their meetings and reassured them. Arrangements were worked



out with the promoter to use young people as volunteer helpers who would assist the police. Off-duty police were to be brought back for the two days - at the cost of the promoter.

On his own, the Chief of Police Kent brought in a special R.C.M.P. riot squad and secreted them at the Sarcee Barracks. This was a precaution that was deemed necessary at the time, but fortunately recourse did not have to be made to it. Because of the Mayor's directive expressed earlier that outside help was not to be used, he was not apprised of the arrangements re. the riot squad. This lack of mutual trust is unfortunate and should not have been. On the other hand the testimony heard at the hearing, and my assessment of the various personalities involved as they appeared before me, convinces me that the lack of communication and lack of harmony is the fault of the Mayor. He decries the lack of good communication, but I can find nothing in the evidence that would lead me to believe he has done anything to improve the situation. The Chief of Police in July 1970 must have found himself in much the same position as Lord Nelson did when he put his telescope to the wrong eye - a hero if it comes off all right, otherwise up to his neck in trouble and criticism.

In the final stages the policy decision was made to remove side-arms and to not actively enforce the law





except in matters of extreme seriousness, viz. rape, murder, arson and so on. Minor offences, liquor infractions, and drug abuses were to be ignored except that the drug detail would keep watch and if possible identify offences and whenever an arrest could be made on the outside perimeter rather than in the crowd, then it would be attempted. It was thought that it would be too dangerous to attempt any enforcement or to try to make arrests within the crowd - it might incite a riot.

What happened on July 4 and 5, 1970 is now history. No riot or general disturbance took place. There were few serious breaches of the law and almost no property damage. The special R.C.M.P. riot squad was not called out. True, liquor and drug offences became the rule of the day. Nudity and other breaches of what might be termed rules of morality were prevalent. While several times during the two day ordeal the police were hard pressed to "hold the line" they succeeded, all to their credit. It can be said that generally their "cool" behaviour gained them perhaps a somewhat grudging respect among the more unorthodox elements in attendance.

No good purpose is to be served by reviewing all of the events that emerged during the hearing in respect to the Rock Festival. These events are all recorded in the



volumes of evidence taken and accurately reported in the news media. It should be observed, however, that throughout the two day event there was widespread use of alcohol and drugs. LSD was apparently quite freely sold and quite freely used. This all in front of various types and ages of people, many mere children. There were even cases of mere infants being abandoned in the stadium by their parents who were on "trips". One can speculate endlessly as to what impact such a spectacle might have on the minds of these young people - especially when it is remembered that those sworn to enforce and uphold the law were present and patently helpless to do anything - and required to suffer indignities and obscenities from many of the participants.

What is even more horrifying however in this Commissioner's opinion is the more sinister danger that was ever present but fortunately did not emerge - the danger of confrontation between the police and those elements who were looking for trouble, some of them organized agitators, and most of them under the influence of such hallucinagenic drugs as LSD. As one witness, experienced and well informed on the effect of drugs, observed, LSD for example sensitizes a person to the effect of alcohol, if alcohol makes a person aggressive then LSD can sensitize that person to same condition. He went on to explain that in such a crowd as was to be found at Calgary on those days, if the





crowd is on LSD and policemen are introduced among the crowd the crowd's behaviour is unpredictable - this was "their thing" and they didn't want to have police involved. It was highly likely that if the police on either of these two days had tried to use force, such action would have reflected moreso on a person under the influence of the drug than if the person was straight, with possibly very serious consequences. To put it another way, although there were a lot of people at the Rock Festival who were not on dope or not involved in this way, there were still enough that such action by the police might have resulted in a polarization of these more volatile elements, have brought them into a solid identity, and this would have played into the hands of the cells of anarchists that are to be found even in Calgary. Some of these people undoubtedly went there expecting to be tested but the authorities did not provide the reaction anticipated.

It is not the concern of this Commission to moralize on the subject of whether such events as Rock Festivals are good or bad, or whether there should be legislation banning them or regulating them. That is for the "body politic" to decide. The concern here is only its effect on the police force and whether the happenings outlined above had the effect of undermining the police.

I have no hesitation in saying that the events leading up to the two days, and the two days themselves, could not have helped but undermine the police in their own



minds, they felt debased and demeaned, and certainly must have caused a widening of the breach between the Police and the Mayor and City Hall, a breach already there, but now wider and likely to take a long time to heal.

Sergeant Philip Crosby-Jones, Vice-President of the Calgary Police Association described the attitude as "the overall feeling was one of humiliation and frustration."

Chief Inspector George W. Kemp in his situation report stated: "All the hippies are lying on the grass smoking marijuana, swallowing LSD and barbituates, drinking wine and whiskey but everything is quiet." As he says "It is one of the type of reports I am ashamed to put in."

As a result of pressure that built up in the force the Chief of Police felt it necessary to send an open letter to the force commenting on the Rock Festival, agreeing that he would be disappointed if any member did not find it "humiliating and frustrating to have to stand by while the law is flagrantly broken." He pointed out that the department had no part in the decision to hold the festival but that once the decision was made, "it was incumbent on the Force to provide the policing necessary." He further explained that where the police are greatly outnumbered the accepted procedure in such volatile situations is to take no action except in respect to the most serious of offences.



Finally he commended his men and took full responsibility himself for the decision to remove revolvers.

At this point I must observe, that, unlike so many of the civic departments, the officers of the Calgary City Police Force showed throughout this Inquiry that they understood what their duty and responsibility was and measured up to it. From the Chief, on down, each witness from the Police department, took full responsibility for what he did.

The resoluteness with which the Police faced up to the situation is perhaps best illustrated by the remarks of Chief Inspector G. W. Kemp when, after remarking that he expected one day to be facing an inquiry, he had this to say:

"Our policy at that time was this:  
I would far rather face a commission  
not having done certain things,  
certain minor things in the course  
of the law, and things like that,  
than for me to have to stand in  
front of a commission and explain  
why I justified a riot ....."

This decision as to the level of law enforcement was made solely by senior Police Officials without any directive from anyone at City Hall or on the Police Commission.

Before closing my remarks under this heading I must state that it would appear that a great deal of the credit for the Rock Festival not erupting into a volatile situation must go out to the vast majority of the people, young and old, regardless of their hair-dos, who appeared to have attended on these





two days in the spirit of fun, and who did not allow the more sinister minority to goad them into trouble. They and the citizenry of Calgary can take pride in this aspect.

In conclusion I must say that in our fast-moving and rapidly changing society today police forces may from time to time be called on to deal with the potential to public disorder but surely the municipal authorities have a duty to at least not encourage or appear to attract events that threaten to put the Police to the test.

It is my opinion that those of the elected representatives of the City of Calgary who either obviously made it attractive to the promoter or sat back and were not heard to object bear a good share of the blame for the humiliation suffered by their Police force. I do not call it interference but rather a careless lack of direction. I am certain they would have been heard from in strong voice if the matter had gotten out of hand.

The Police Force of Calgary demonstrated its loyalty to its Mayor and to the City - in turn the Force deserved stronger and more obvious support.

#### R E C O M M E N D A T I O N S

58. That if there is no satisfactory by-law in effect now that will permit some control and give the City the right to stop such an event as a "rock festival" or some other large assembly of people then consideration be given to enacting one.



59. That such a by-law should not be passed necessarily with the purpose in mind of prohibiting such events but merely to permit control and that the ultimate decision be required of the elected representatives rather than by the Mayor or the Commissioners alone, it being this Commission's opinion that the decision is important enough to require the approval of the body politic.
60. That the Mayor and Chairman of the Police Commission by virtue of the positions held has every right to make his or City Council's wishes as to policy to follow in respect to policing such events known to the Chief of Police but it should stop there, the Chief of Police to have the final decision.
61. That it is anticipated that if the wishes referred to in Section 60 above are presented in the form of recommendations rather than firm directives then some of the communication gap will close.
62. That the Mayor and City Council should bear in mind that the ultimate decision in law enforcement must be that of the Attorney General rather than the Civic body.
63. That given the type of loyal leadership that the Calgary Police Force obviously has the Civic authority can rely on their professional know-how and the discretion of the Force.
64. That if the City of Calgary continues to grow in size and population, consideration should at some time be given to the advisability of having a mounted division in its police department, remembering that for crowd control it was suggested that one mounted man was the equivalent of 20 foot policemen.





65. That the Police Force be encouraged to become proficient in riot control or at least have a unit equipped and trained for this, not with the idea of using same but of being prepared.
66. That the attitude of understanding shown by the Calgary Police at the festival be encouraged by a continuing programme of education, it being the opinion of this Commissioner that the Calgary Police do and want to understand our youth.
67. That the City Police should be given every support in respect to updating equipment, and in maintaining proficiency, this to include encouraging their men and officers to continue specialist training and attend courses and conferences.
68. That the recommendation of the Honourable J. C. McRuer in this report on Civil Rights should be borne in mind and followed, namely; that "It is no trespass on the civil rights of the individual that every scientific means of detecting crime should be used for the protection of the public interest."



B. INTERFERENCE OR OBSTRUCTION OF POLICE THROUGH  
OPERATION OF POLICE COMMISSION

(1) HOW IT HAS OPERATED

Under this sub-heading it is to be observed that the testimony heard in this Inquiry indicates that the Calgary Police Commission has operated in the past in two rather distinct ways. It has been in existence more than twenty years but except for minor variations the method of operation has not appreciably changed until about the time of the last Civic election in Calgary. It can be fairly said therefore that the change in manner of operation is post-election - has come about with the present commissioners.

I was fortunate in being able to hear the testimony of Chief Inspector Warren Stewart who has acted as Secretary of the Police Commission for 23 years. In addition to this function Stewart is in charge of the Services Division of the Calgary Police Force.

In the past a complaint against a member of the Force could come in in several ways. Usually



it would come as a letter to the Chief of Police or to the Police Commission itself. If the complaint was to the Chief he would initiate inquiries and depending on the result discipline the member or clear him. If the matter was such as might involve some issue of public interest the Chief would be expected to bring it to the attention of the Police Commission. Similarly if the complaint came direct to the Police Commission it would be referred to the Chief of Police for the same action as already mentioned above. At the conclusion of his inquiries and action taken, if any, the Chief of Police would be expected to file a written report to the Police Commission. As a general rule this report was accepted by the Police Commission. It was the observation of Chief Inspector Stewart that usually the police action here was right. According to him the public appearance with respect to disciplinary matters was the exception rather than the rule. I had the opportunity of observing this witness as he testified on two occasions and I must say I was impressed with his fairness and with his obvious sincerity. If he says the police action over the years "was usually right" I accept his assessment.





The trend however since the last civic election or to put it another way, under the present Police Commission, is to hear the complainant in person, and this very often in public.

It would appear that generally the old procedure is followed as to passing on the complaint to the Chief of Police for action but that the matter does not necessarily stop with his report.

Recently there seems to be a tendency for these matters to then result in hearings, often public hearings, sometimes partly open and partly closed, and sometimes with considerable resultant press coverage. What starts as an inquiry may often without prior warning turn into a full trial.

Several specific examples were studied in detail, transcripts of some hearings were filed, and some of the Police Commission minutes were also filed as exhibits. It is not proposed to review each of these in any detail in this report, but some references will be made to this wealth of material for the purpose of explaining certain conclusions drawn.



The present Police Commission consists of the Mayor [Mayor Sykes] as Chairman and Chief Commissioner, three aldermen [Farran, Kushner, Ayer], a citizen-at-large, W. Herron, and a barrister and solicitor, J. Prothro. The Chief of Police and Deputy Chief attend all meetings of the Police Commission, unless unable to because of illness or some such reason interferes.

Chief Inspector Stewart keeps the minutes of the meetings. He has them typed out and then the Chairman, the Mayor, signs them usually at the next meeting. Under the present Commission on one occasion in particular the Chairman had the minutes changed or corrected - the new correction being not in accordance with the Secretary's recollection of the meeting nor with the actual verdict. It can be taken as a general proposition however that the minutes for the most part are signed as prepared and found by all to be satisfactory.

Some of the observations and comments of witnesses heard are of interest.

Alderman John Ayer, who had been an alderman for 4 years, felt that as presently functioning the Commission was affecting police morale - it starts out to get facts but often ends up making a judgment.





Alderman R. A. Farran who has been on the Police Commission describes the present Commission as functioning in much the same manner as Alderman Ayer. As he says, it starts out by examining evidence in public, it might probably go into a closed session to decide what it is going to do, to decide if it is going to charge the policeman, but it often backs into a trial. As it is presently conducted he believes it is turning into a Roman Circus. He goes on to point out that on policy, rather than discipline, the Commission may make directives respecting bookmaking, what areas traffic officers should concentrate on in enforcement of traffic law, policy re bingos, and so on, but it does recognize that the authority of the Attorney General is paramount.

The big fear expressed by Chief of Police M. J. Kent is that the present Police Commission is predominantly political. He draws a picture of less dignity now, less understanding of police problems, more frivolous complaints being examined, occasions where policy changes may be voted on by the Commission without prior consultation with Police officials. While there has been no direct interference by the Commission in



the operation of the Police in respect of law enforcement as such there has been a complete breakdown in communication between the Police Commission and the Police Force. His feeling is that the politicians who form the majority of the Police Commission are inclined to take the side of the complainant, and the Force is getting the feeling its members are being "thrown to the wolves". He attributes the present situation to personalities as much as to the present structure of the Police Commission. Without formal charges, policemen are being tried by the present Commission. He thinks they would be better off being tried in Court. Every inquiry seems to be turned into a trial. He thinks that even a crank is given better credibility than a policeman in the hearings.

Deputy Chief Gilkes paints pretty much the same picture. He describes how the broad lines of communication, the open door, formerly enjoyed between the Police and the Police Commission seems to have become lost with the new Police Commission Chairman, Mayor Sykes. The lack of understanding that has recently grown up has now resulted in the Calgary Police Association retaining a



lawyer to regularly attend Police Commission hearings for the purpose of protecting the members of the Force. As he puts it, politically oriented persons want to get public favor.

During the several days that he gave evidence, Mayor Sykes, who as Mayor automatically becomes Chairman of the Police Commission, gave his views on the present operation and answered some of the criticism offered by other witnesses. It was his opinion that the members of the Commission appreciated the difficulties the Police officers encountered in the performance of their duties and that accordingly he felt the benefit of the doubt was always given to the policeman. The Police Commission did not want to get involved in the criminal law but were interested only in misconduct and breaches of discipline. He mentioned that in the past year there had been approximately two complaints a month against police action or behaviour. It was his opinion that complaints alleging police brutality should be held in public but the hearing can be changed to in camera and back to public as conditions warrant. The arrangement he has is for his Executive Assistant, Mr. Horsey, to mark the important ones for hearing. Mayor Sykes outlined how such a hearing





may start out as public and be changed to in camera and vice versa. It was his opinion that to hear these complaints in the open inspired public confidence, that the best discipline was that imposed by the need for publicity in public business. He pointed out how the Police Commission had recently laid down a policy as to how the Police were expected to handle youngsters and that they were not to give advice as to bail, pleas and so on.

A very worthwhile witness was Milton Harradence, Q.C., of Calgary. This man, who is a very experienced barrister and solicitor of Calgary, makes a specialty of handling criminal cases, usually for the defence, that is, the accused person. Because of this professional background his testimony was all the more significant. Just two weeks before appearing before this Commission he had been retained by the Calgary Police Association to represent members of the Force who might be called before the Police Commission - this retainer on a regular basis. That the Police Association has felt this action to be necessary after all the years that have gone by without it, is perhaps significant in itself. Mr. Harradence is careful to point out that the Police



Commission at the hearings on which he has appeared has always been very scrupulous in permitting him or the member charged to be heard. He adds, however, that confusion has arisen due to a lack of uniformity in procedure followed. His evidence will be looked at in more detail under the next heading.

The current member of the Police Commission who is the nominated citizen-at-large described how he appreciated the briefing on the duties of the Police Commission given them by City Solicitor J. Salmon. He stated that the Chief of Police and other Police officers were very courteous to the Police Commission.

Mr. John E. Prothro, barrister and solicitor, was also called to testify. He is the current member of the Police Commission referred to as the legal member, nominated to the Police Commission from a panel of lawyers recommended by the Calgary sector of the Law Society of Alberta. He didn't seem to know how his selection was made but it would appear from the remarks made by Mayor Sykes that Mr. Prothro was his nominee, accepted by the nominating Committee and in turn by the Law Society as mentioned above. The present practice and manner of operating the Police Commission seemed to satisfy Mr.





Prothro. He pointed out that since he has been on the Commission it has not concerned itself with the day by day enforcement of the law, that this has been left to the Police Executive. Drawing on his experience as a solicitor handling a varied type of company or corporate business, he likened the operation of the Police Commission to a board of directors of a large corporation with the citizens of Calgary as the shareholders. He supported the recent move of the site for Police Commission meetings from the police headquarters to the City Council Chambers, and supported the policy of discipline matters being heard in the open. He supported the motion to require all complaints to go initially to the Chief for investigation. Under questioning with respect to his analogy likening the Police Commission to a board of directors, he agreed that in his experience discipline problems in a corporation would likely be settled at a private meeting of the directors and that it would only be brought up at a shareholders' meeting if the problem had reached the proportions of a scandal. He testified as to the discipline of professions being settled by in camera hearings.



Reference has already been made to certain specific discipline hearings that have had the effect of particularly upsetting the Police. I have taken the position in this Inquiry that it was not for me to retry or review the verdicts in these cases but merely to examine them to assess the general operation of the Police Commission.

In one case, called the White case, a young man alleged an assault by two police constables. An examination of the transcript of the evidence taken before the Police Commission shows that the hearing started with Mayor Sykes as Chairman indicating to White that he, White, had decided he wanted the matter held in public, that a complaint such as the present is a serious matter for the policeman involved, and "If you like to reconsider your decision to have this heard in an open meeting, you are at liberty to do so". The man's decision was for an open meeting and it proceeded as such. It is interesting to note that when one of the other members of the Police Commission attempted to cross-examine White in respect to some of his political theory [some of his remarks to the arresting constables having suggested this subject might have been pertinent]



Mayor Sykes cut him off with the phrase, "This young man got a mouthful of fists and I don't think there is anything in his complaint that indicates that there was any political discussion that preceded that". This remark, it should be noted, came from the presiding Chairman before the Constables had been heard. Following other testimony the hearing then went into an in camera session.

At the conclusion of the in camera session the sole representative of the press, Donald Whitely of the Calgary Herald, was told by Mayor Sykes that the Commission was satisfied an assault had taken place, that it should not have taken place and that the police constables [plural] had been reprimanded. Mayor Sykes at the conclusion asked White if he had had a fair hearing and was told he was satisfied. Neither of the police were asked if they had had a fair trial. In fact, the intention of the Commission was only to reprimand one constable but the damage was done. The next edition of the Calgary Herald carried the story [except for the in camera part] under the heading "Policemen Reprimanded for Punching Youth". Two policemen were named. Upon being alerted





by an alderman that the press were going to report the verdict as two policemen reprimanded when the verdict was intended only to cover one, Mayor Sykes tried to correct the record but the above story was already in print. The story the next day, carried by the press, used the same size type to say, "Police Body Consider Appealing Reprimand" and in much smaller type above the above heading, stated, "Only One Constable Involved".

This case is a good illustration, in my opinion, of "how not" to handle a disciplinary hearing. Many criticisms could be made but I will only mention a few:

- (a) Not infrequently the "correcting" news report does not carry the same impact as the first one. The newsworthy "anti" aspect is no longer there.
- (b) The press were left with part of the story and the verdict, the report therefore could not be complete.
- (c) The complainant or accuser was given the choice of "public" or "closed", not the accused.
- (d) The phrase "mouthful of fists" before the accused constables had even been heard certainly in my opinion justified Chief of Police Kent's remark that he felt the Mayor's attitude was friendly to White and that it suggested a pre-judging of the case by the Commission.



In concluding this example, it is noteworthy that the "accuser" here was identified before this Inquiry as carrying a poster "Quebec wants out" in a procession down Calgary's mall where at least one other poster stated "F.L.Q. we support you".

One last special case should be remarked upon, namely a complaint re a Mr. Banyai. The only interest here is that the complaint was not lodged by Mr. Banyai but by his wife. The wife was advised of the date of the Police Commission hearing but the police involved were not present. Chief Inspector Stewart as secretary of the Police Commission advised her of the date in the expectation that she would be told the verdict based on the Chief of Police report. Instead she was called on to testify. Eventually at a later date the husband and the policemen involved gave their versions and the police were exonerated. Again the result was the same in respect to the newspaper coverage -- heavy type coverage describing "Wife tells Commission police used brutality" with less emphasis by the subsequent press report on the exoneration at the later session. It was this case that led Mayor Sykes to invite the City Solicitor to address the Police Commission members on





their duties and responsibilities and also resulted in a stricter adherence to rules of procedure.

Under this heading, I am forced to the conclusion that under the present Police Commission there has been a change in the method of operation, particularly in respect to matters of discipline, which change has resulted in a deterioration in the relationship between the City Police and the Police Commission.

The whole atmosphere of the meetings appears to have changed, to have become charged with suspicion and with tension. When motions to change training procedures, or other similar matters of policy which are directly the province and concern of the Chief of Police are introduced without prior discussion or warning one cannot but wonder at how long any loyalty and respect can be maintained as between the police force, both officers and men, and their corporate and political civic government.

As Mr. Harradence remarked, the policemen are sensitive people. They are sensitive to the public wish. They are sensitive to how their loyalty is appreciated. That they are so is well illustrated by the care in which the Rock Festival was handled, protection of person



and property without confrontation. So too by the way they buckled down to do the job that was so distasteful to them and so foreign to their oath.

The recital of the evidence heard under this heading has convinced me that within the last year there has been interference or obstruction of the Calgary Police Force through the operation of the Police Commission. I suspect some of this has resulted from elected representatives being carried away by the urge and desire to show that as representatives of the people they are as alert to prevent abuse by the police as to build a lovely city and by the feeling that their voting public is reading of their alertness. No doubt, too, Mayor Sykes and some of the other Commission members are earnest in their desire to see justice done and to see that they run a good Police Commission. But these considerations must be tempered by the need to take care that a loyal and honest body of men with exceptional esprit de corps does not become discredited in the process, does not reach such a state of frustration that they will cease to care and cease to be the bulwark that helps maintain the very society that the members of the Police Commission are charged to protect and represent.



The City through its Police Commission should properly assume the responsibility of laying down broad policy. The police themselves must be made to appreciate this as most certainly they do.

No doubt some of the present friction and breakdown between the two is attributable to the personalities of some of the present incumbents. This is regrettable. It would appear though that it is more than just personalities, that a transformation has recently taken place wherein the open hearing has become more the rule than the exception, with consequent deterioration in the former happy relationship.

In our present day rapidly changing society a word of caution is perhaps in order. On every hand one hears of an endeavour to seek and ensure a just society, to protect the right to an honest and free trial for the individual accused. The pressures of population and automation make it increasingly difficult for the little fellow and he needs help and understanding and his basic rights must be jealously guarded. The elected representatives are sensitive to this. But by the same token this so-called society or civilization, if you want to call it that, is a pretty thin one. It has taken us a





long time down the years of history to get where we are. It could take much less time to get back to the era of terrorism and star chambers of the past. Today there are "cells" of persons, even in Calgary, who, as professed agitators, are determined to upset society by other than constitutional means. Public hearings with resultant press coverage wherein policemen are and can be charged play right into their hands. Even where the policeman might be cleared or completely exonerated, some irreparable damage to the Force's reputation may result. The old adage of where there's smoke there's fire may work here to create suspicion and a feeling of uneasiness in the public. If once destroyed, an honest and loyal police force may be hard to rebuild.

The recommendations set out under this heading are intended to be of general application but are specifically directed to a situation where the presently constituted Police Commission is still in operation.

#### RECOMMENDATIONS

69. That the present tendency to hold discipline hearings as "full-scale" hearings be discouraged.



70. That complaints of police brutality, serious breaches of discipline, and so on, be left to the Chief of Police and that the Police Commission only resort to hearing procedures here when the report filed with the Police Commission suggests that a serious matter of public policy is at stake or that the circumstances warrant a reconsideration of some policy edict or procedural rule already laid down or promulgated by the Police Commission.
71. That the temptation to hold public hearings in cases of discipline and related subjects be resisted - that the Police Commission should be ever aware of the position they put a policeman in if he is publicly ridiculed or reprimanded and then has to go back and carry out his normal duties in public.
72. That if a question of general policy is to be debated or settled by means of a hearing then that is the time for the public hearing.
73. That, if at all possible, the Police Commission should try to anticipate delicate problems so as to avoid public hearings becoming closed hearings and the opposite because in such cases the news media are unable to give complete and consequently fair coverage.
74. That if, notwithstanding recommendations 69 to 73, the Police Commission is determined to continue to hold discipline hearings as they have during the past year, then at least the following precautions should be followed:





- (a) The question of public or in camera be not the prerogative of the complainant but of the person charged - or at least of the Commission itself.
  - (b) The complaint be reduced to a sworn statement so that the Police Commission knows that the complainant has made himself subject to the penalty of perjury.
  - (c) There be no hearing until all parties affected are present.
  - (d) That the present arrangement for providing counsel to policemen involved in court cases in respect of their position as policemen be enlarged to include Police Commission hearings.
  - (e) That the members of the Police Commission be mindful that a hearing should not really be substituted for a trial and they should be ever suspicious of an ulterior motive behind a complaint - either to discredit the City Police or to have a free "trial" to get evidence for a later damage suit against the police and the City.
75. That the procedural rules be examined carefully by the City Legal Department and brought into line with declared Police Commission policy.
76. That individual Police Commission members refrain from discussing their decisions and deliberations with the news media but leave this to the Chairman.



## (2) HOW IT SHOULD OPERATE

To some extent the discussion outlined in (1) above covers this part as well. Accordingly, it is not the plan to repeat same. The main purpose here is to review the evidence, particularly that of Assistant Commissioner Harry A. Maxsted, retired, R.C.M.P., and His Honour Judge W. J. Haddad of Edmonton.

Chief Inspector Stewart described how he was surprised at the trend today for what formerly had been inquiries now turning into full-scale trials. He mentioned that he had always thought that the purpose of an inquiry was to find out if something had been done improperly - and if it was so found, then appropriate action would follow later. He also suggested that very often the type of complaint against policemen being considered here was an application of the rule of fight fire with fire, an attempt to soften up or intimidate the police with counter charges. It was his opinion that the Police Commission should in discipline cases reserve to itself the position analogous to a Court of Appeal. If the Chief's report after investigation questioned the reasonableness of police action, then



the Commission should act, otherwise it should be a charge under the police discipline code or a criminal charge. To put it another way - internal discipline or come back to the Police Commission for appropriate action. According to him it should not be the function of the Police Commission to find whether a policeman had committed an assault, but that once either the Chief of Police or a proper court had so decided, then the Police Commission should take the matter in hand. The latter are normally matters where dismissal or demotion may have to be discussed. He favoured sticking to the rules of procedure laid down on the 16th December 1966 and adopted by Council, where promotion, discipline and investigation were in camera.

It has previously been pointed out that Mayor Sykes believes complaints against the police should generally be held in public. He agrees it doesn't want to get involved in criminal matters - just misconduct and breaches of discipline. Since "closed" or "in camera" hearings do not get reported by the news media, he favours a press release at the conclusion setting forth the verdict. He also favours a citizens' advisory committee to help public relations between the police





and the public. As he calls it - a standby to the Police Commission to obtain information and to make recommendations. His theme throughout is pretty much that publicity builds public confidence.

Judge Haddad, a judge of the District Court of the District of Northern Alberta, was called to describe how another Police Commission, namely the Edmonton Commission, conducted its affairs. He has been Chairman of the Edmonton Police Commission since early 1966. This Police Commission is made up of himself, [a judge], the Mayor [or Deputy Mayor], two aldermen and a member of the Edmonton Bar Association nominated by that Association. The Secretary of the Commission is a lawyer appointed from the City Solicitor's office.

The Edmonton Commission meets regularly but can call special meetings as well. Their meetings are held in a committee room at City Hall large enough to accommodate the public. Under its bylaw the Commission has "sole charge and control over the organization, policy and administration" of the Police Force. The type of things the Edmonton Commission has been concerned with includes the internal organization of the Police Force, questions of policy such as the usefulness of



satellite stations, trying to upgrade educational standards, public relations programs, and so on.

An individual member of the Police Commission in Edmonton is prohibited as an individual from communicating any order or directive of the Commission to the Police Force. The Edmonton Police Commission is required to conduct all matters of discipline, personnel, contract negotiations and security measures in private meetings. He stated that he thought that generally the view of the Edmonton Commission was "that the morale of the Police Department is of great importance and that these matters might be adverse to the morale of the Police Department if they were held in public". He went on to say, "We don't want to break down the morale or the moral fibre of the police force".

All complaints must be in writing. They are referred to the Chief of Police for initial investigation by a senior man. A report is then prepared and this report comes to the Commission. If the matter is proceeding to court they leave it alone but after the matter has been disposed of in the court if the Commission is not satisfied, or if the complainant thinks they have not made a proper assessment, then the





Commission investigates further. The Judge estimated that the Edmonton Commission probably had five or six serious complaints in the last year. He finds the Chief of Police just as concerned about complaints as the Commission is.

Judge Haddad admitted that the Commission has had differences with the Police but they had been able to discuss and resolve them at their meetings.

Assistant Commissioner H. A. Maxsted, now retired, had seen honourable service with the R.C.M.P.

- some 35 years in all - some of it in Edmonton and Lethbridge. From about 1954 on his work had been generally of an administrative type. In February 1970 he rendered a report to the Province of Alberta with respect to the feasibility of establishing a Board of Police Commissioners for the Province of Alberta. His evidence was most useful and most timely.

In approaching his study he recognized, as he said, that the role of the policeman is largely repressive, has to enforce laws the public does not like in a society that is becoming increasingly permissive. As he says, any abuse of his powers is repugnant to



society as a whole and distasteful to his fellow officers. Frequently he is subjected to public criticism but he must accept this as a hazard of the occupation, - "he must be a symbol of the moral standards the public demand of the police". He accepted the proposition that any citizen has the right to criticize the actions of the police. In this regard he agrees that a citizen has the right to expect his complaint of abuse of power by a policeman to be "fully investigated by an independent and impartial tribunal". The policeman has an equal right.

Based on his studies of the Ontario Police Commission mainly, his report favours the establishment of an Alberta Police Commission. I have studied both his evidence before me and read his report to the government with great interest. While I think his report is excellent, I feel I must refrain from saying more except in so far as his study and recommendations can be made to apply to the Calgary situation. Accordingly any remaining observations will be so directed.

He found the Calgary Police Force to be a "top" police organization, well organized and with excellent training facilities. His study made it apparent to him that the appointment of local boards of Police Commis-



sioners as done today "does not lend itself to good police-community relations" but that a better police-public relationship required action at the provincial level. I feel that he was more concerned with Police Commissions here in the smaller municipalities rather than cities such as Calgary.

According to him there would still be a Calgary Police Commission. He would have the Chief of Police always make the initial investigation of any complaint. His report would be subject to review by the City Police Commission in private. If the Police Commission felt it in the public interest to make a further investigation it could do so in either a public or private hearing. The appeal would be to the Alberta Police Commission.

During his travels throughout Alberta he found that the relationship between the Chief of Police and his Board of Commissioners left much to be desired. He found this to be more common where the Board was made up of large numbers. Large boards seemed to increase the friction, the opportunity for misunderstanding and personality clashes. He found that where a board was top-heavy with members of Council [i.e. elected members] they often allowed political considerations to dominate





their views. He thought that "conflict of interest" under the present system was so great that the Ontario system should be considered. There, the Police Commission at the city level would be three members, the Mayor being the only elected member.

### RECOMMENDATIONS

77. That both the senior police officers and the members of the Police Commission and City Council of Calgary carefully examine and consider the evidence before this Inquiry and the report of Assistant Commissioner Maxsted before any serious changes in the structure and procedure of the Calgary Police Commission are carried out.
78. That any new Police Commission structure should be constituted by a judge or member of the legal profession, a citizen-at-large appointed by the Province, the Mayor of the City, and if there be more than a total of three members the remaining nominees be citizens-at-large or aldermen, but at no time should the number of elected members be in the majority, e.g. perhaps a Police Commission made up of the Mayor, an alderman, a lawyer, and two citizens-at-large would be adequate.
79. That the Police Commission should not be more than five nor less than three members. That the citizens-at-large be appointed by the Government of Alberta and the judge or legal member be nominated by the Chief Judge of his court or by the local Bar Association, as the case may be.



80. That there be a secretary to the Police Commission who is not a voting member and he should preferably be chosen from either the Police Department or the Legal Department because an understanding of police procedures and legal matters is considered to be helpful.
81. That the recommendations outlined after sub-paragraph (1) above be considered as repeated here with the necessary adaptation to a new instead of the old Police Commission.
82. That at no time should the Police Commission allow itself to become involved in the day by day operation of police functions.
83. That all orders, directives or instructions by the Police Commission be forwarded or pronounced through the Chairman and no other.
84. That it probably would not hurt to have one of the citizens-at-large a woman.
85. That if the City wishes to set up a type of citizens' advisory body to help the Police Commission it should be understood clearly that the purpose and object of such body was to make suggestions to the Police Commission as to public relations and related subjects but at no time should it be considered as directing the policy of the Police Commission and at no time should it ever be permitted to make directives to the Police Force itself.
86. That the usefulness of the type of body referred to in 85 above is of doubtful value and the risk of setting up one more possible "pressure group" or "lobby group" with probable added confusion seems to suggest the experiment should not even be tried.





87. That the role of the Police Commission as a link between the civic administration and its police force is so important that all efforts should be made to maintain harmonious and open lines of communication. That this can be done without either body becoming servile or abdicating its responsibility.



D. DIRECTIVES RE. LAW ENFORCEMENT

(a) MINOR AREAS

Under this heading it is only proposed to discuss whether in the area of by-law enforcement there has been any serious interference with the City Police and their duty to enforce the law.

I have already referred to the evidence of Alderman R. A. Farran under a previous heading, wherein he describes how the Police Commission may discuss such subjects as enforcement of book-making laws, traffic enforcement, laws relating to bingo and so on. It is not necessary to repeat this testimony.

According to Sergeant P. Crosby-Jones the police force are disturbed by what he describes as "certain people ..... allowed to overreach" certain City by-laws. He agreed that some of these by-laws may appear to be petty but then for the purpose of this Inquiry so long as the by-law remains on the law books it must be treated as at least representing the wishes of the people of Calgary as reflected through their City Council - the law maker. This witness described a recent incident where in the east village area, east of the McLeod Trail on 8th Avenue, the occupants of business establishments were allowed to paint the sidewalks and parking meters



in psychedelic colours. According to him Mayor Sykes helped the local citizenry in daubing paint on the meters. This is apparently contrary to the by-law.

In his testimony, Mayor Sykes states that he received a request from the Merchant's Association in the East Village to allow them to liven the place up with a little colour. He claims to have phoned the City Solicitor and was told he knew of no reason why he shouldn't give the permission. The City Solicitor according to him mentioned that the police might not think it was right. He also says he phoned the Chief of Police who stated he knew of no reason why this should not be done. The Mayor apparently painted one of the meters himself.

The City Solicitor is quite emphatic that he did not receive a call from the Mayor and further that if he had the answer would have been no. My further investigation discloses that it was apparently Deputy Chief Gilkes rather than the Chief of Police who had the discussion with the Mayor. This is not the only instance during the proceedings before me where the testimony of the Mayor disagrees with that of other witnesses. I think his memory is at fault here when he says he got an affirmative answer from the City Solicitor. I am inclined to think he is confusing it with the discussion with the Deputy Chief.





Another example given by Sergeant Crosby-Jones arises out of the posting of advertising on lamp standards in respect to the Winnipeg Ballet. On investigating this breach of a by-law the investigating policeman was told by the promoter that the Mayor's executive assistant, Mike Horsey, had given him permission.

Other examples of what Sergeant Crosby-Jones termed breaches of "petty" by-laws could be given. The ones outlined above under this heading are sufficient to show a temptation by the political authority to override the "law" on occasion. Most of these transgressions are rather harmless and perhaps in each case good reasons could be put forward to justify a "bending" of the law, perhaps in the interests of public relations, and so forth. The difficulty of course is as to when and where you draw the line to prevent it degenerating into becoming more the rule than the exception. I accept the proposition that there may be instances where a relaxation of certain minor or "petty" by-laws may be permitted and I also agree that the Mayor is perhaps the one best equipped to exercise the discretion. It is understandable that there may not be time, usually, to get the concurrence of City Council. If it is to be done then,



surely, it requires the Mayor's decision and it must be so handled that it does not appear to be a dispensation coming from any politician in City Hall.

#### R E C O M M E N D A T I O N S

88. That in future if there is to be any relaxation of the enforcement or effect of any petty or minor by-law the authority for same should come from the Mayor in his capacity as Chief Commissioner of the City and not from him as Chairman of the Police Commission.
89. That any such relaxation as contemplated above should be the exception rather than the rule and should be reported back to City Council at the earliest date, the approval or disapproval of City Council being considered as the best way to prevent abuse.
90. That a clear directive be given to the police in advance of any such decision to avoid confusion and embarrassment.



(b) PROPOSED ARREST OF WALKER

Under Part III A above the Rock Festival has been reviewed in detail. The present sub-topic is restricted to an incident which occurred in the dying stages of the last day of the Festival. It involves the leading figures involved and peculiarly enough almost resulted in the only real violence of the two days.

The discussion here will be restricted to the topic in hand, viz. Directives re. Law Enforcement, tempting as it might be to go into some of the other facets of the circumstances.

Shortly after 5 o'clock on the afternoon of Sunday, July 5th, 1970, the question of whether the gates should be opened that evening to allow the outsiders (the non-paying group) in to the stadium free of charge came up.

According to Mayor Sykes he understood this was being considered as a reward for the "kids", as he described them, having behaved so well. He was told he could make the announcement. Having heard that K. C. Walker, the promoter, had not agreed to allow them in, the Mayor went back stage at the Stadium to speak to him.

Just before meeting Walker the Mayor had discussed the matter with Deputy Chief of Police Gilkes who intimated that the police did not concur.

Perhaps some of the remarks of each of the persons





present at the confrontation, as it became, between Mayor Sykes and Kenneth C. Walker should be reviewed.

According to Mayor Sykes, Walker was in a highly emotional state and in the opinion of the Mayor did not appear to be himself. At one point in his testimony he described Walker's condition as: "From my point of view this animal, and I looked on him as an animal in the condition in which he was, because I am not tolerant of drunkenness in public or drug-taking or whatever." The Mayor describes himself as having been under considerable strain by this time and as he says he became angry and lost his temper. He recalls telling Mr. Walker what he thought of him, that having lost money he (Walker) was blaming Calgary - the kids and the City - for it in the most abusive terms. Mayor Sykes charged him with having set out to "skin us," with having come to Calgary to "make a quick killing, to try to make a fast buck", with having exposed "the whole community to risks of violence." He said much more along the same line. The Mayor denied that Walker in telling him to get out demanded return of his pass and then that he (Walker) tore it up. At the hearing before me Mayor Sykes produced a pass to show his had not been torn up.

Walker on his behalf described the Mayor as "maybe a little emotional" and mentioned that he himself



was too tired to be emotional, that his Doctor in attendance throughout the Festival had given him sedation. This witness described how the decision had been made not to let anyone in -- this because those already in had paid and because of an insurance problem if the opposite was permitted. He describes the Mayor then going into "a torrent of abuse", that "we were eastern scum and I was a son-of-a-bitch." There were other similarly descriptive phrases used.

At this point in time, apparently, the Mayor started to walk away. Walker, afraid the Mayor would not take the "no" as final and as he says having "built up enough energy to explode ..." caught up to the Mayor and said he didn't have to stand for talk such as he had just taken and said he "didn't think his (the Mayor's) conduct was befitting his office." The "son-of-a-bitch" and "scum" phrases were then repeated to Walker. The Mayor then told Walker to get out. When at this point Walker asked Mayor Sykes how he got in the Mayor produced a pass (12 passes had apparently been given to the Mayor's office) and Walker took it, and tore it up and told the Mayor to get out.

By now the raised voices of the Mayor and Walker had attracted considerable attention and Deputy Chief of



Police Gilkes and Staff Sergeant Collins had come over to them. The Deputy Chief stepped in between the two men. At this point the Mayor ordered the Deputy Chief to take Walker away and arrest him. Mr. Walker swears that the Deputy said to the Mayor: "I am sorry, I can't take that order." Mayor Sykes thinks he said: "Aren't you going to do something? Why don't you arrest this man?" and getting no response said: "Arrest him. This is an order." at which the Deputy Chief replied: "I don't take orders from you." Mayor Sykes described the Deputy's tone as "very disrespectful." Walker for his part describes the Deputy as "far from disrespectful ... as diplomatic as he could possibly have been."

Walker upon finding out that Mayor Sykes was also Commissioner of Police referred to the Deputy Chief's position as "an untenable position."

It should be observed here that among the bystanders was Mr. Walker's solicitor who according to Walker, said: "Yes, yes, go ahead. Take him away, we will sue."

Deputy Chief Gilkes took Mayor Sykes to the door while Staff Sergeant Collins took Walker the other direction.





Filed as an Exhibit at the hearing was a statement made out by Mr. Walker's accountant who overheard part of the fracas and wrote out his recollection within a few minutes of the events. In so far as it goes it verifies the testimony of Walker as to the argument being initiated by the Mayor.

Staff Sergeant Collins describes the Mayor as becoming "very agitated and very loud and very abusive to Mr. Walker and ... shaking his finger in his face." He confirms the "eastern scum" and "son-of-a-bitch" phrases. As he says when the Mayor told the Deputy Chief to "remove that man from here" he, Collins, thought there was going to be a fight and he and the Deputy Chief then moved in and separated the two men.

Deputy Chief of Police Gilkes confirms that he was ordered to arrest Walker and that as he walked the Mayor away the Mayor then said: "Take that man out. I want him arrested." When he told the Mayor he couldn't he was told: "That is an order, take him out." The Deputy Chief now had the Mayor about ten feet away. He told the Mayor that he and Walker had both used "unacceptable language and were acting in an improper manner." As the Deputy Chief explained at this Inquiry he felt that if he had made the arrest as ordered then he would have had to arrest two people -- he would have had to arrest his own Mayor.



There can be no doubt that Mayor Sykes was using his position as Chief Commissioner to resolve what had become a personal argument and fight. The Mayor thought he had been betrayed in that he had been given the impression the gates would be opened. Looking at it from his point of view and remembering the volume of public opinion that had built up both for and against the Rock Festival one can appreciate his provocation and frustration. Walker's attitude is also understandable. The quarrel or argument can be accepted but it was wrong for the Mayor to use his position as he did. This abuse of his powers as Chief Commissioner placed an unfair burden on the Deputy Chief of Police. It was only the coolness and common sense of this public officer, assisted as he was by Collins, that avoided a much more serious incident.

#### R E C O M M E N D A T I O N

91. That members of the Civic body or Police Commission desist from giving direct orders to Police Officers.

#### GENERAL INTERFERENCE OR OBSTRUCTION RESULTING IN A CLIMATE OF FRICTION

##### (a) RIOT STICKS

This episode has been described by the Mayor as a case of making a mountain out of a molehill. I am inclined to agree with his assess-



ment. Unfortunately the manner in which it became a "mountain" left several side effects which in turn had an adverse effect on police morale and caused further deterioration in the relationship between the Police and the Chairman of the Police Commission.

Mayor Sykes had delivered a speech at the University of Calgary. The topic included such topics as political liberty, law and anarchy. In the question period following the speech, or at least this is the Mayor's best memory of it, he had cause to make certain statements in respect to discrimination against people like Indians by policemen and to the effect that Calgary should not have riot sticks -- giving as one reason that "Policemen would treat them as children, namely having new toys." In giving his testimony, Mayor Sykes said he didn't believe he made the remarks re. Indians attributed to him. He also explained that in respect to the "riot sticks" quotes he was speaking in a "global" sense and not directing any specific remarks to Calgary. According to him the papers, (although both of them used almost identical phrases), had misquoted him. Subsequent





statements made to the press by himself and by Chief of Police Kent (who thought the Mayor wanted him to clear up the situation) only served to create more confusion.

The members of the Calgary Police Force were so upset over the newspaper reports that they resorted to an unusual step, namely the calling of a special meeting of their association for the purpose of discussing their grievances. While they felt the Mayor had cleared up some of the "riot stick" part by his subsequent remarks in the news media they were upset by his having made no retraction or denial concerning the discrimination issue. The rock festival figured in the discussions as well. In the discussion the possibility of a march on City Hall came up -- all of which shows the impact of this kind of talk by public officials on the rank and file of the police force. A letter supporting the Chief of Police was the result. It is interesting to note that the letter stated "the membership understands and appreciates the frustrations he (the Chief) is faced with."

In recounting what went on at this special meeting of the Police Association Detective E. Madsen



said this was the first time such a meeting has taken place in his fifteen years of active service in the Association.

I think this topic is a splendid example of how a public speaker in addressing a select rather than a general group of persons can find himself making statements or giving answers which, harmless in themselves in the general sense can, when taken out of context give a picture not intended by the speaker. The record, once confused, never seems to get corrected.

There can be no doubt but that the remarks of Mayor Sykes resulted in a climate of friction. While I think it was regrettable that they were made I cannot find they were intended to apply to the Calgary force nor that they constituted in any way an attempt to interfere or obstruct the Force. That the Police Association became upset is equally understandable.

#### R E C O M M E N D A T I O N S

92. That whenever public officials such as the Mayor, who hold positions on Commissions such as the Police Commission, make speeches or public pronouncements, they must be alert to the fact that by virtue of their special position, anything they may say which may refer to their special position will be given added emphasis, and this therefore requires the speaker to exercise care and caution in what he says.



(b) GENERAL REMARKS

During the hearings of this Inquiry several complaints were directed by members of the Police Force towards the lack of dignity shown by some members of the Police Commission to the members of the Force. Examples of the members of the Commission using the designation of "Fuzz", "Goddammed Cop" and so on were given. I have already discussed the Police Commission in some detail so do not propose going into any further depth here other than to remark that the use of these phrases in public hearings by officials should be refrained from as much as possible. No doubt the temptation to refer to police as "cops" and so on in speaking to some members of the public may appear to be a good means of communication by politically-minded people but surely the temptation should be resisted.

A more serious form of general interference or obstruction was illustrated by a rock band incident during stampede week at the parking lot to the rear of City Hall. As a result of several complaints phoned in, two Constables





attended the area to find a rock band sounding forth. This was after 10.00 p.m. and in contravention of the Anti-noises by-law of the City. When the investigating Constable R. F. Stewart complained to the girl who appeared to be in charge she explained that they had permission from the Mayor's office. He was invited to check by phone and eventually he was instructed by the Police Dispatcher that it was OK. It appears from the evidence that, while the Mayor himself had not given permission, Alderman Kushner had phoned the Police and assured them he would take full responsibility and that the band had permission from City Hall. The duty Inspector W. A. Fairman accepted this explanation and so the complaints went unsatisfied.

The evidence suggests that such oral permissions had been given before. This whole incident, harmless in essence, did place the investigating constables in the embarrassing position of having to apologize to the band group for in effect doing their duty. It also placed the complaints Officer at Headquarters in the unenviable position of having to tell the citizens



who complained that nothing could be done. This type of thing was very close to a deliberate interference with the police and certainly does cause friction.

One can accept the principle that circumstances may arise on short notice whereby a permit to disregard or to ignore a by-law may be in order. In such cases, however, care should be taken to see that the permit or permission follow proper channels and that the police have advance notice. Such permission must not be subject to the whim of an alderman or member of the Police Commission at large.

#### R E C O M M E N D A T I O N S

93. That permits or permission to have events take place that would otherwise be considered as contraventions of by-laws come only from the City Council or the Chief Commissioner and that same be filed with the Police in sufficient time to permit the policeman on the beat having advance warning of same.
94. That attempts by alderman or members of the Police Commission to give directions to the members of the Police Force are to be condemned.



P A R T    IVADEQUACY OF EXISTING ACCOUNTING  
AND FINANCIAL CONTROLS

Sections 8 and 9 of the terms of reference cover this heading. They are:

- (8)    whether the present systems of accounting and financial control of the City of Calgary are such as to effectively prevent the theft or fraudulent obtaining or the obtaining by other improper means of money or anything else of value from that city.
- (9)    whether the present systems of accounting and financial control of the City of Calgary are in all cases being properly adhered to by the officials and employees of that city.

The transit system, the cashier's office and the Manchester complex form the main subjects that come under this heading. Some of the remarks already set forth under previous headings apply equally here. The main concern under this Part is in respect to systems rather than physical procedures or physical plants.

In approaching this part of the Inquiry I made the assumption that as a Judge I was expected to inquire as to adequacy and as to adherence to systems and procedures rather than to make the attempt to substitute new systems of con-





trols. My assumption was that I should point the way and then the City Commissioners and City Council would, depending on what I say, follow through with the employment of whatever consultants might be deemed suitable to establish whatever new systems should be thought necessary. My investigation and report is not to be taken as being in depth as a consequence.

Under this heading I should point out that I rely very strongly on the testimony of and the assessments made by William D. Kinsey. He is a chartered accountant with a great deal of experience involving the inspection and evaluation of accounting systems including at least one previous attendance before a Royal Commission. This man with his associates made inquiries and checks of the departments and the accounting systems and procedures used by them. Included here was an examination of Operating Controls as well.

His initial observation was that the City of Calgary, in addition to doing what one ordinarily associates with City business, was in effect a mini-conglomerate -- running its own Electrical System, Transit System and Hospitals.

This man's investigations were not intended to be an "in depth" study of all departments but rather a serious but necessarily limited survey, somewhat of a spot or sample



nature. Along with these investigations he contacted officials of certain major corporations that might be expected to have similar problems as Calgary -- with a view to making comparisons.

It is now proposed to discuss briefly Mr. Kinsey's observations and to make recommendations where deemed suitable. In particular the testimony of W. Kuyt, H. G. Arscott, J. M. Currie, T. W. Kirkham, R. McKinnon, S. Kay, G. Hamilton, D. J. Byrne, and H. C. Chalkley, already reviewed and commented upon under earlier headings must be taken as again considered here.

- (1) Data Processing Department - Considered to be one of the best Control Departments and including personnel who have improved themselves by taking external training and outside courses.
- (2) General Hospital - Very good control. Separate from the City with its standards pretty well based on those of the Canadian Hospital Association and its manual.
- (3) Cashier's Department - Recommendations in respect to operations in this department are contained under previous headings.



It should be noted here that City Treasurer H. G. Arscott does not follow a policy of having regular meetings with the internal auditors but expects them to come to him if there is a problem. As he says he is more concerned with City problems such as borrowing money, investment income debentures and so on. According to him he may have left internal auditing with some duties he and his own staff should be doing. Perhaps his admission that "We have not had any reorganization for some time .... I must take some blame of this on myself because I expect to retire at the end of this year and I did not want to do something .... that a new man coming along would say, "This is not the way I want," illustrates best what has happened. Kinsey's comment is that the Department "has been virtually ignored by management."

(4) Sanitation Sites - Under the Engineering Section the Sanitation Site has an operator collect the money by a system of pre-numbered tickets. The Internal Audit is left again as the agency to check deposits or payments. Once more the department managing the agency is





not "managing" but relying on outside control.

- (5) Electrical System - It would appear that the controls are basically good here, particularly in respect to cash and services. Once however an item of merchandise gets on a truck the control becomes weaker. The description of what was observed in this regard at Manchester Complex is self-explanatory.
- (6) Civic Garage - Again the Manchester Complex comments cover the situation here.
- (7) Police Garage - These vehicles appeared to be carefully accounted for with a good key board. The contrast here with the situation at the Civic Garage is enlightening.
- (8) Manchester Complex Generally - This complex has already been covered under previous headings. The main criticism under this heading is that at present any inventories of equipment seem to be made by the employees themselves -- the property clerks are in effect auditing themselves.



- (9) Management Systems - In the late 1950's the Civic Administration Manual was developed as a tool of management. This manual has received international recognition and been the subject of much research and study by other agencies. The manual is under the supervision of the Department of Administrative Services with T. W. Kirkham as its Supervisor of Systems and Procedures Services. The manual has always had the support of management and has been termed a primary control device.

Reference has already been made under some topics of the manual not being kept up to date. It is to be noted that the Supervisor Mr. Kirkham only assumes responsibility to keep his own manual section up to date. His department only goes into other departments on invitation -- whether to update a manual or to make up a system or procedure. Once again we find the department heads leaving it up to the internal auditor to see that the manual is brought up to date.

In the opinion of Mr. Kinsey this is a serious blind spot, if the manual is not



to be kept up to date then it should be dropped. There can be nothing worse than a system laid down but not followed.

- (10) Internal Audit - Reference has already been made elsewhere to internal audit providing a form of management control and also as to how some departments are relying on it to do some of their chores.

Mr. Kinsey is very critical of the way other departments are adding duties and functions to internal audit that are not properly theirs. Reference has already been made to some. In the area of licenses there could be much improvement. Internal audit apparently uses up about 2-1/2 days a week doing the "weekly payables" a chore which is properly for the accounts payable or the Accounting Department. As Kinsey says:

"They (Internal Audit) cannot be the eyes and the ears of Management as envisaged by the Manual when they have got a task of that nature."

In general the internal audit under Mr. Kay is doing a good job but it appears also to lack professional assistance for





him. To attract professional people with the right qualifications requires not only higher salary scales but the elimination of the repetitive type of work that the other departments have been loading on internal audit.

The recommendations with respect to better office facilities and more staff made by Mr. Kinsey should be examined carefully, as indeed all of his remarks under this head.

- (11) External Auditor - The City's external auditor's responsibilities are set forth in Section 66 of *The Municipal Government Act*. By virtue of Section 197 of this Act he "must report to the Council on the financial statements of the municipality and shall state in his report whether in his opinion the financial statement ..... presents fairly the financial position of the Municipality ..."

Mr. Kinsey pointed out that contrary to what a lot of people may think this does not mean the external auditor in preparing the general report as above is necessarily



checking for fraud, theft or such. He is not looking at every transaction but rather is looking at the City as a whole -- testing its accounting systems. Questions of defalcation are normally for the persons who are there all the time, namely the managers, the department heads. The external auditor therefore is expected to look at the system as a whole, "evaluate it, and then carry out whatever examination seems warranted in the circumstances."

In his opinion the external auditors should be expected to make suggestions for correcting things they may find to be wrong. In Calgary's case the present firm of external auditors apparently have in the past made a practice of doing this. One example was a suggestion that an Audit Committee be set up to expand the lines of communication, where City Council may like to ask the auditors questions, but where freedom of discussion is possible because of the informality of a Committee. This was not followed up apparently.



This witness suggested that the present arrangement in Calgary is to retain the external auditor on a year-to-year basis. It apparently had been on a 5-year basis some years earlier. In his opinion to switch external auditors each year for a City the size of Calgary could be disastrous. His reasoning is that it takes a lot of work to get to know each City department -- to change auditors annually therefore means that each newly employed auditor would have to learn the systems and procedures in each department all over -- with consequent loss in efficiency.

- (12) Full-time Security Force - Particularly in respect to the Manchester Complex in earlier parts of the report reference has been made to a Security Officer. The evidence before this Inquiry suggests that a form of police security -- along the lines of an industrial security force -- might be worthy of consideration. What is contemplated here is a department separate and distinct from the others that might be considered as providing the same type of





service in the physical sense that internal audit provides with respect to the City's records. Such a department would provide the means whereby internal audit could carry out surveillance over parking meter collectors or do other outside examinations of a similar nature.

W. Kinsey would have such a Department responsible to review the City's plant, examine standards of security at City Hall, Transit and Manchester and make recommendations for improvement. It would be responsible for education on security matters, instruct foremen and department heads, could take over the role of handling the questioning of employees suspected of defalcations, to look for missing assets and so on. He suggests that these functions are better done with Civic employees rather than the regular police force.

It should be stated in concluding this heading that the external and internal auditing as presently carried out were found to be adequate and no criticism is to be attributed in any way to the external auditors. In my opinion the present systems of accounting appear to be generally adequate and ef-



ctive. The existing financial controls as the comments  
 ove indicate appear to be generally adequate once the cash  
 ow is counted. These controls are not effective in respect  
 inventories of merchandise and equipment.

### R E C O M M E N D A T I O N S

95. That if the retirement of City Treasuere Arscott has not yet taken place, his successor should be appointed as soon as possible so that the recommendations for improvement be carried out as soon as possible.
96. That the new City Treasurer would be well advised to study the evidence of Wm. Kinsey in these proceedings and to consider his many suggestions.
97. That the Department responsible for operating the Sanitation Sites assume its proper management and supervisory role in respect to the collection of revenue.
98. That the Departments responsible for operating the Electrical System, the Civic Garage, and the Manchester Complex generally, examine Mr. Kinsey's criticisms with respect to security and inventories and tighten up the overall security relating to same.
99. That consideration be given to a complete reorganization of the Department of Administrative Services responsible for the Civic Administration Manual with the object in mind to give it the duty and function of both updating the Manual for all departments and of ensuring that the manual is so maintained -- unless a decision is made to drop the manual altogether.



100. That the internal audit department be recognized for what it is -- namely the eyes and ears of management -- and given the staff and equipment with which to do its job properly.
101. That a complete review be made of the internal audit work with the purpose in mind of eliminating those functions that are not properly its job -- the remarks of W. Kinsey to be studied here.
102. That at the same time as 101 is carried out the Internal Audit be instructed and be given to understand that it has the blessing of management to review "policies, procedures and practices generally with emphasis on appraising the adequacy and effectiveness of accounting, financial and operating controls" -- it being this Commissioner's opinion that this could become one of its most important contributions to management.
103. That the City Commissioners recognize that internal audit to be truly successful must be encouraged to not only get along with other civic departments but must be permitted to retain an independent mental attitude.
104. That to ensure more forward planning by internal audit every encouragement be given to its members to update themselves.
105. That the suggestions contained in the Alger-Bliss report of 1966, the Riddell-Steed report of 1970, and Wm. Kinsey's evidence on this Inquiry merit serious re-examination by those in charge of internal audit.
106. That the Civic Government, and particularly City Council, should give serious consideration to the suggestion that the external auditor should be retained on a contract of longer duration than a year at a time.





107. That serious consideration be given to appointing a full-time Security Officer who would be made directly responsible to the Commissioners, independent of City Police, and with a staff separate and distinct from any other department.
108. That the object here is not to duplicate the Police Force but to supplement the internal audit function with such a force that would be responsible for the internal security of civic departments.
109. That this security department would be expected to liaison with internal audit and the City Police and where appropriate with other departments -- it would be expected to operate pretty much as other industrial security groups.
110. That the Security Officer should be encouraged to join such associations as the Canadian Association for Industrial Security so as to keep up to date on changes in techniques.



P A R T     VGENERAL CONCLUDING REMARKS

The City of Calgary has been a rapidly expanding City during the post-war years. This rapid growth has undoubtedly placed heavy burdens on the Civic Officials and on the Civic Government. It is not at all surprising that this has resulted in dislocations. No doubt the heavy demands on management at all levels to keep up with the demands of a growing population and a complex business community has caused attention to be concentrated more on physical plant needs rather than on matters of security. This is quite understandable. Unlike a private corporation, too, the Civic management is subjected to regular and frequent meetings of its "Board" namely City Council.

I suspect that the City Commissioners during the past few years have been forced to direct a large proportion of their time and attention to the demands of City Council and the Chief Commissioner, the Mayor. This has probably resulted in too much reliance being placed on subordinate officers to keep the departments going. In my report I have under some heads criticized lack of management in respect to security matters.. The above situation may have been a contributing factor. Perhaps the time may have arrived when it would be advisable to increase the number of Commissioners, so as to divide their load, so that they can attend attention both to their respective departments and to their



political bosses.

In many of the departments investigated there seemed to be a general apathy about security matters and about improving them or tightening them up. This undoubtedly is due in part to the rapid growth as referred to above. To some extent people have probably been promoted beyond their capability. This is the responsibility of management again.

There has been too much of an inclination in the past to rely on the inherent honesty of personnel. I am pleased to be able to report that despite the lack of tight security in the past the general rank and file of the Calgary civil service have shown themselves to be completely honest. This is the most laudable situation. However it is my opinion that lack of reasonable security measures opens the door to temptation and temptation in time leads to crime.

In several instances witnesses before me have challenged the testimony of Mayor Sykes. I have made reference to some of these instances in my report. No doubt Mayor Sykes has been under pressure during this hearing. He gave evidence extending into several days. I recognize that men with political leanings are more prone than others, perhaps, in giving evidence, to keep in mind the impact that evidence may have on constituents. Very often this "exaggeration" of facts later results in accusations of "misunderstood" or "misquoted". Except when it became germane therefore, I have refrained from





making direct comment on such inconsistencies. I did not think it was any part of my job on this Inquiry to try Mayor Sykes or any other individual as such. Certainly it was not for me to go into personalities and I have tried to maintain this position throughout.

Because the news media in its coverage of the hearings held in this Inquiry did an excellent job it has helped to keep my report short, has made me think it unnecessary to labour the facts in great detail as I have come to conclusions and made recommendations. I hope the people concerned understand this. I pay tribute to the media.

Still discussing the media, tempting as it is for them to emphasize the sensational, I do wish to caution them in reporting matters involving criminal acts and matters of police discipline. Many times in my experience the protestations and accusations have been headlines and the denials and acquittals have not received equal coverage. Many times, also, I have seen police "misdeeds" front page news but the "good deeds" at most occupy a few lines lost deep inside the paper report. Let's be a little more responsible here please.

In conclusion I wish to express my appreciation to Mayor Sykes, his Commissioners and Jay Salmon, City Solicitor and his associates J. Low and L. Portigal, all of whom gave



complete cooperation in this Inquiry and without reservation made civic personnel and City documents readily available for the hearings.

Staff Inspector Arthur Roberts cannot be thanked enough for his part in arranging for the service of subpoenas, production of police witnesses and documents, and for the many other services he performed to make the work of Commission Counsel and myself easier.

I wish to thank also Mr. Ernest Burke for his competent services as Clerk of the hearings.

Mr. William D. Kinsey, who acted as consultant to the Commission on accounting and financial matters was most helpful.

And finally I must express my special thanks and appreciation to R. Neuman who as Counsel for the Commission had the full burden of assembling the many witnesses and the multitude of documents and in a thousand ways kept the Commission going.

All of which is respectfully submitted.



W. G. Morrow,  
The Commissioner.

Yellowknife, N.W.T.,  
April 10, 1971.



## APPENDIX " A "

STAFF OF COMMISSION

R. Neuman	Commission Counsel
E. Burke	Clerk to the Commission

APPEARANCES

J. Low and L. Portigal	Counsel for the City of Calgary
R. McBain	Counsel for D. L. McIvor, D. Ritz, R. S. Grant, M. Nakamura, J. P. Kromm, M. L. Sloboda
A. M. Harradence, Q. C.	Counsel for D. L. McIvor
B. Higgs	Counsel for M. L. Goode
J. Hopwood	Counsel for John Miskae and D. C. Lynch
R. M. Cairns	Counsel for S. Hyde
W. Stilwell	Counsel for B. Coulter
P. J. Peacock	Counsel for E. J. Ross





## APPENDIX "B"

HEARINGS

Public hearings were held in the Court House, Calgary, Alberta, on the following dates: September 22, 23, 24, 25, 29, 30; October 1, 21, 22, 23, 26, 27, 28, 29, 30; November 9, 10, 12, 13, 24, 25, 1970, March 17, 1971.



## APPENDIX " C "

LIST OF BRIEFS

Exhibit 111	Brief of Fred Kennedy, Albertan Columnist
Exhibit 168	Brief of Chief Kent, Calgary Chief of Police
Exhibit 203	Brief of R. H. Wray, Calgary Transit Superintendent



## APPENDIX " D "

WITNESSES

Witnesses were called at the public hearings as listed below:

CALGARY, Alberta

Bertram Henry Freeman  
Hendrik Vandenboom  
James Arthur Nicholson  
David Edward Linden  
Joseph Deans Ross  
Willaim Christian Kuyt  
Edward James Ross  
Dennis Lorne McIvor  
Donald Ritz  
Robert Stanley Grant  
Michiko Nakamura  
George Herbert Paton  
James Phillip Kromm  
Detective Sergeant R. T. Caines  
Harold Goyan  
L. R. Pixley  
Marjorie Lynn Goode  
Angus MacDonald  
John Miskae  
Mrs. Mary Louise Sloboda  
Detective Sergeant Ken Johnson  
Harold George Arscott  
Shawn Hyde  
Stanley Kay  
Staff Inspector Arthur Roberts  
Commissioner Ian Forbes  
Daniel Charles Lynch  
Peter M. Thompson  
A. H. Nicholson  
Brian Coulter  
Mark Tennant  
Alderman R. A. Farran  
Allan Harmer  
Alderman Edward J. Dooley  
Alderman John Kushner  
Wilmott Baldwin





## Witnesses - Continued

Deputy Chief I. G. Gilkes  
Donald Nels Parup  
Charles D. Howarth  
Mayor Rodney Sykes  
Edward Joseph Burgoyne  
Ivor Strong  
Leo Newman  
Kenneth R. McIver  
Ernest Ryll  
Lloyd E. Willis  
J. Salmon  
Magistrate E. L. Collins  
Alderman A. Berry  
Michael Horsey  
Chief Inspector George Walter Kemp  
Inspector E. B. Hetherington  
Rogers Lehew  
Sergeant of Detectives Loewen  
Donald Lloyd  
Sergeant Philip Crosby-Jones  
Ian Beattie  
Staff Sergeant Michael Collins  
Kenneth W. Low  
Alderman John Ayer  
Inspector Irvine Blehm  
Chief of Police M. J. Kent  
Chief Inspector Warren Stewart  
Detective Edwin Madsen  
Constable R. F. Stewart  
Constable Lawrence John Elcocks  
Inspector Warren A. Fairman  
G. Boucher  
Judge William Joseph Haddad  
Milton Harradence  
Harry Q. Maxted  
Donald Whitely  
Ralph Klein  
William Edward Blackwell  
Kenneth C. Walker  
Alexander G. Bailey  
Gary Park  
Richard Bronstein  
Wayne Clifford Bell  
Geoffrey Craig Hamilton  
Daniel J. Byrne



## Witnesses - Continued

Hugh Clyde Chalkley  
Donald Peacock  
Michael John Berridge  
William S. Herron  
Fred Kennedy  
John Edward Protheroe  
Inspector John Christie Stagg  
James M. Currie  
Thomas W. Kirkham  
Ross Reginald McKinnon  
Ronald Brown  
William D. Kinsey  
R.H. Wray



## APPENDIX " E "

LIST OF EXHIBITS

Exhibit No. 1	-	Order-In-Council No. 1662/70
Exhibit No. 2	-	Herald Advertisement
Exhibit No. 3	-	Albertan Advertisement
Exhibit No. 4	-	Floor Plan, Administrative Section. Calgary Transit System
Exhibit No. 5	-	Photograph marked T-A
Exhibit No. 6	-	Photograph marked T-B
Exhibit No. 7	-	Photograph marked T-C
Exhibit No. 8	-	Photograph marked T-D
Exhibit No. 9	-	Photograph marked T-E
Exhibit No. 10	-	Photograph marked T-F
Exhibit No. 11	-	Photograph marked T-G
Exhibit No. 12	-	Cleveland FareBox
Exhibit No. 13	-	Cash vault
Exhibit No. 14	-	Grant Fare Box
Exhibit No. 15	-	Cash vault with Grant fare box
Exhibit No. 16	-	Diamond Fare Box
Exhibit No. 17	-	Cash vault with Diamond Fare Box
Exhibit No. 18	-	Bag complete with handle, lock and seal
Exhibit No. 19	-	Money bag without handle, lock or seal stencilled "Royal Bank"
Exhibit No. 20	-	Hand box for fares





Exhibit No. 21	-	Calgary Transit System Fare Box sheet
Exhibit No. 22	-	Fare Box repair sheet
Exhibit No. 23	-	Floor plan entitled "Cashier's Section Administration Building City of Calgary before remodelling"
Exhibit No. 24	-	Floor plan of Exhibit 23 with C. T. S. counting machinery moved
Exhibit No. 25	-	Picture marked C-A (20)
Exhibit No. 26	-	Photograph marked C-B
Exhibit No. 27	-	Photograph marked C-C
Exhibit No. 28	-	Photograph marked C-D
Exhibit No. 29	-	Photograph marked C-E
Exhibit No. 30	-	Photograph marked C-F
Exhibit No. 31	-	Photograph marked C-G
Exhibit No. 32	-	Finance Department forms
Exhibit No. 33	-	C. T. S. revenue statistics sample
Exhibit No. 34	-	Parking Meter Revenue Areas
Exhibit No. 35	-	Hand Meter Box with two coins
Exhibit No. 36	-	Meter collecting box on wheels
Exhibit No. 37	-	1970 Manual published February 11th, 1970
Exhibit No. 38	-	Contract and letters attached
Exhibit No. 39	-	Collective Agreement between City of Calgary Division 583 of the Amalgamated Transit Union
Exhibit No. 40	-	A six-months clause
Exhibit No. 41	-	Subpoenae served on Allan Early with Affidavit of Service
Exhibit No. 42	-	Telegram to Commissioner from Allan Early



- Exhibit No. 43 - Daily gas sheet
- Exhibit No. 44 - Fuel Oil report
- Exhibit No. 45 - Letter dated June 1, 1970 from City Clerk to Alderman Kushner
- Exhibit No. 46 - Letter dated June 5, 1970 to Alderman Dooley from Ian Forbes Commissioner of Economic and Community Service
- Exhibit No. 47 - Letter with two copies of parts of cheques and envelope
- Exhibit No. 48 - Letter dated July 7, 1970 from City Clerk to Mr. Strong, Chief Commissioner
- Exhibit No. 49 - Letter dated July 3, 1970 addressed to Mr. Ed Burgoyne from John Kushner
- Exhibit No. 50 - Report dated July 7, 1970
- Exhibit No. 51 - Calgary City Police Department department report by Deputy Chief of Police I. G. Gilkes dated July 10, 1970 and attached detectives' report (6 pages)
- Exhibit No. 52 - Slip of blue paper
- Exhibit No. 53 - Letter dated July 17, 1970 from Mayor to all Aldermen with enclosures
- Exhibit No. 54 - Copy of Memorandum dated July 16, 1970
- Exhibit No. 55 - Witness' statement to the Police
- Exhibit No. 56 - Sketch of area in question
- Exhibit No. 57 - Letter from Mr. Burgoyne to Land Department dated December 2nd, 1966.
- Exhibit No. 58 - Letter dated July 8, 1970 from Mr. Burgoyne to Alderman Kushner
- Exhibit No. 59 - Draft letter dated July 9, 1970
- Exhibit No. 60 - Copy of Minutes dated July 9, 1970
- Exhibit No. 61 - Letter from O'Reilly dated July 9, 1970



- Exhibit No. 62 - Letter to Commissioner Forbes dated July 9, 1970
- Exhibit No. 63 - Transcript of Evidence of Preliminary Inquiry The Queen versus William O. Miller, Jack Miskae and James Nicholson, November 14, 1969
- Exhibit No. 64 - Transcript of Evidence of trial before Honourable Chief Justice J. V. H. Milvain, The Queen versus William O. Miller and Jack Miskae, commenced February 18, 1970
- Exhibit No. 65 - Letter dated July 20, 1964 from E. Ryll to L. E. Willis
- Exhibit No. 66 - Letter dated July 17, 1964 in the form of a statement signed by Mr. E. M. Ryll
- Exhibit No. 67 - Letter dated July 17, 1964 signed by Mr. Statton
- Exhibit No. 68 - Letter dated July 17, 1964 signed by Mr. Peryk
- Exhibit No. 69 - Letter dated July 17, 1964 to Mr. H
- Exhibit No. 70 - Letter dated July 22, 1964 from Mr. H. to Mr. Ryll
- Exhibit No. 71 - Letter dated July 24, 1964 from Mr. Greenfields, Recording Secretary of Local 709, directed to Mr. Howarth
- Exhibit No. 72 - Statement of Mr. Volden dated July 31, 1964
- Exhibit No. 73 - Statement of Ciarla dated July 31, 1964
- Exhibit No. 74 - Statement of Bill Moser dated July 30, 1964
- Exhibit No. 75 - Statement of Mr. Volden and Mr. Marten of July 30, 1964
- Exhibit No. 76 - Letter from Mr. Greenfields Local 709, dated July 31
- Exhibit No. 77 - Letter of resignation dated August 3, 1964
- Exhibit No. 78 - Report of Mr. Ryll to Mr. Howarth, City Engineer, dated August 5, 1964
- Exhibit No. 79 - Statement of Mr. Unruh





- Exhibit No. 80 - Memorandum dated August 6, 1964
- Exhibit No. 81 - Letter dated August 6, 1964 from Mr. Howarth to Mr. Nicholson
- Exhibit No. 82 - Clipping from The Albertan dated August 7, 1964
- Exhibit No. 83 - City of Calgary By-Law No. 4791 with amendments
- Exhibit No. 84 - Report by Staff Inspector Roberts concerning the Rock Festival
- Exhibit No. 85 - Report headed "Transit System Theft" made by Inspector Roberts
- Exhibit No. 86 - Report of witness dated June 18, 1970
- Exhibit No. 87 - Report of witness dated Jun 25, 1970
- Exhibit No. 88 - Report of witness dated July 6, 1970
- Exhibit No. 89 - Letter dated July 5, 1970 from Mr. R. B. Gilhooly to Chief of Police M. J. Kent
- Exhibit No. 90 - Report re. R. B. Gilhooly letter, dated July 9, 1970
- Exhibit No. 91 - Departmental report of witness dated July 21, 1970
- Exhibit No. 92 - Letter dated July 19, 1970 from Don Bruce to the witness
- Exhibit No. 93 - Letter from David Williams Eaton-Walker Associates Limited, Toronto, dated July 30, 1970
- Exhibit No. 94 - Report of the witness dated June 10, 1970 entitled "Protest Meetings held by the Motel Village Operators"
- Exhibit No. 95 - Report dated June 19, 1970 entitled "Protest Meetings Rock and Roll Festival"
- Exhibit No. 96 - Letter from H. Boothman, Director, Parks/Recreation Department, to Mr. M. Horsey, dated August 19th, 1970
- Exhibit No. 97 - Undated Bulletin entitled "Bulletin: for your Information"
- Exhibit No. 98 - Feed-in Report
- Exhibit No. 99 - Article by Fred Kennedy in the Albertan, dated June 5, 1970



- Exhibit No. 100 - Memorandum of Agreement between the City of Calgary the Governors of the University of Alberta and George L. McMahon and Frank M. McMahon
- Exhibit No. 101A - Red photograph album
- Exhibit No. 101B - Three blue photo albums
- Exhibit No. 102 - Copy of the Georgia Straight 1002 Newspaper, July 8 to 15, 1970
- Exhibit No. 103 - 4-page pamphlet entitled "The Spark", undated
- Exhibit No. 104 - Report commencing with the words "the writer wishes to list ..."
- Exhibit No. 105 - Report with "Rock Festival" in upper right-hand corner.
- Exhibit No. 106 - Report dated July 9, 1970
- Exhibit No. 107 - Offence report dated July 4, 1970
- Exhibit No. 108 - Offence report dated July 5, 1970
- Exhibit No. 109 - Copy of letter from witness to Inspector Roberts, dated July 8, 1970
- Exhibit No. 110 - Column by Fred Kennedy in the Albertan dated September 16, 1970
- Exhibit No. 111 - Letter addressed to Mr. Neuman from Fred Kennedy, the Albertan
- Exhibit No. 112 - Report from Arch Kennedy, Commissioner, Board of Police Commissioners, West Vancouver, directed to Chief MacBrayne
- Exhibit No. 113 - Letter from I. G. Gilkes, Deputy Chief of Police, to His Worship Mayor R. Sykes, dated June 5, 1970
- Exhibit No. 114 - Copy of statement of Deputy Chief Gilkes
- Exhibit No. 115 - Extract of Council minutes, July 6, 1970



- Exhibit No. 116 - Letter from Chief of Police Kent to The Chairman and Members, Board of Police Commissioners, City of Calgary, dated July 24, 1970
- Exhibit No. 117 - Letter from Chief of Police Kent to The Chairman and Members, Board of Police Commissioners, City of Calgary, dated July 23, 1970
- Exhibit No. 118 - Letter from J. Salmon, City Solicitor, to the Police Department, dated July 10, 1970
- Exhibit No. 119 - Herald story dated August 1, 1970, headlined "Police Commission Defeats Ayer Rock Festival Motion"
- Exhibit No. 120 - The Honourable John Turner's Speech, dated September 4th, 1970
- Exhibit No. 121 - Copy of Herald story dated September 30th, 1970 entitled "Open Police Meet Bid Sparks Debate"
- Exhibit No. 122 - Series of newspaper articles relating to Geoffrey White case
- Exhibit No. 123 - The Riot Stick Newspaper Clippings
- Exhibit No. 124 - Transcript
- Exhibit No. 125 - A. B. & C. photographs
- Exhibit No. 126 - Memorandum from Chief of Police dated July 9th, 1970
- Exhibit No. 127 - Report concerning arrangements made by various City hospitals in connection with festival, dated 21/7
- Exhibit No. 128 - Letter from E. Reimer, Secretary of Police Commission to Chief of Police Kent, dated August 14, 1970
- Exhibit No. 129 - Bundle of Minutes of Police Commission meetings from November 20, 1969 to September 19, 1970
- Exhibit No. 130 - Minutes of Special Association meeting held August 6, 1970
- Exhibit No. 131 - Copy of synopsis of statement entitled "Re attendance of Police at Hippie Dance" submitted by witness, dated October 15, 1970
- Exhibit No. 132 - Complaint Report dated July 10, 1970 re "Noisy Party"





- Exhibit No. 133 - Statement of witness dated October 17, 1970
- Exhibit No. 134 - Copy of By-Law 7288
- Exhibit No. 135 - Report submitted by Inspector Fairman dated July 11, 1970
- Exhibit No. 136 - Certified copy of Edmonton By-Law No. 2805
- Exhibit No. 137 - Two newspaper clippings from "The Herald" dated August 4th and August 5th, 1970, respectively
- Exhibit No. 138 - Agendas for Police Commission meetings
- Exhibit No. 139 - Affidavit of Allan M. Early dated October 20, 1970
- Exhibit No. 140 - Affidavit of Allan M. Early dated October 27th, 1970
- Exhibit No. 141 - Police File respecting one Brian Cooper
- Exhibit No. 142 - By-Law of the City of Lethbridge
- Exhibit No. 143 - Report on Feasibility Study of H. A. Maxted, dated February 28, 1970
- Exhibit No. 144 - Copy of article entitled "POLICE REVIEW BOARDS"
- Exhibit No. 145 - Report in the Herald dated March 4, 1970
- Exhibit No. 146 - Memorandum to Mr. J. B. DeWolfe from Mr. J. D. Salmon dated March 9, 1970
- Exhibit No. 147 - Memorandum (Part I) to Mr. J. D. Salmon from Mr. J. B. DeWolfe, dated March 11, 1970
- Exhibit No. 148 - Memorandum to Mr. Salmon from Mr. DeWolfe dated March 19, 1970
- Exhibit No. 149 - Copy of letter from W. Stewart to Mr. Salmon dated March 19, 1970
- Exhibit No. 150 - An opinion and letter directed to Mr. Salmon dated October 5, 1970
- Exhibit No. 151 - Letter to Inspector Stewart from Mr. Salmon dated October 13th, 1970
- Exhibit No. 152 - By-Law No. 5002 with amendment



- Exhibit No. 153 - Copy of minutes of Police Commission meeting  
October 23, 1970
- Exhibit No. 154 - Letter from Mrs. Banyai addressed to Police  
Commission, dated January 14, 1970
- Exhibit No. 155 - Letter to Mrs. Banyai from Mr. Stewart dated  
January 21, 1970
- Exhibit No. 156 - Report of the Chief of Police dated January 26, 1970
- Exhibit No. 157 - Albertan newspaper clipping dated January 21st, 1970
- Exhibit No. 158 - Copy of transcript Police Commission hearing in  
case of Ron Cooper, held July 31, 1970
- Exhibit No. 159 - Rules of Procedure of the Calgary City Police
- Exhibit No. 160 - Copy of letter addressed to Alderman A. R. Smith  
from Chief Inspector Stewart dated October 14, 1966
- Exhibit No. 161 - Letter dated October 17, 1966 to His Worship the  
Mayor and Members of Council from Chief Inspector  
Stewart
- Exhibit No. 162 - Letter from the City Clerk addressed to Mr. W.  
Stewart, Secretary, Calgary Police Commission,  
dated November 1, 1966.
- Exhibit No. 163 - Extract of Minutes of Meeting of the Calgary  
Police Commission, December 16, 1966
- Exhibit No. 164 - Letter from the Chief of Police to The Chairman  
and Members, Board of Police Commissioners,  
dated February 18, 1970
- Exhibit No. 165 - Minutes of the Meeting of the Calgary Police  
Commission, dated March 3, 1970
- Exhibit No. 166 - Page 36 of the Arbitration Award
- Exhibit No. 167 - List showing Police Commission Members from  
May 1, 1934 to Jan. 30, 1970, with Minutes of  
May 11, 1934 meeting attached
- Exhibit No. 168 - Chief Kent's memorandum dated November 2, 1970
- Exhibit No. 169 - Letter to Editor of Calgary Herald dated May 22, 1970



- Exhibit No. 170 - Newspaper clipping titled "Police Body Considers Appealing Reprimand" dated October 1, 1970
- Exhibit No. 171 - By-Law No. 7288
- Exhibit No. 173 - Stadium Diagram of McMahon submitted by Mr. Walker
- Exhibit No. 174 - Statement dated 6th day of November, 1970, signed by Aaron Cohen
- Exhibit No. 175 - Photograph of the Manchester area
- Exhibit No. 176 - Memorandum on Security at the Manchester Public Works Yards prepared by H. C. Chalkley and P. Clovechok, dated June, 1970
- Exhibit No. 177 - Report from Mr. L. R. Webb to Mr. I. S. Forbes, dated September 30th, 1970
- Exhibit No. 178 - Police Report dated October 23rd, 1970
- Exhibit No. 179 - Report from Mr. Webb to Commissioner Forbes dated October 27, 1970
- Exhibit No. 180 - Report from Mr. L. R. Webb to Commissioner G. C. Hamilton dated October 28th, 1970
- Exhibit No. 181 - Memorandum report dated August 21st, 1970
- Exhibit No. 182 - Letter to Chief Kent dated August 26, 1970
- Exhibit No. 183 - Proposal of Chief Inspector Stewart
- Exhibit No. 184 - Property Inventory form
- Exhibit No. 185 - Copy of column appearing in the Albertan on Tuesday, October 13th, written by Don Peacock
- Exhibit No. 186 - Section 035 Internal Auditor, 1/8/67
- Exhibit No. 187 - Parking Meter portion of Manual
- Exhibit No. 188 - Cashiers Section of the Manual, Chapter 50.5 issued 11th February, 1970
- Exhibit No. 189 - Job description, Supervisor Systems and Procedures





- Exhibit No. 190 - Chapter 67, Volume 4 of Administrative Manual titled "Transit System Cash Handling Procedures" dated October, 1970
- Exhibit No. 191 - City of Calgary Administration Manual Section 32.11, issued in 1961
- Exhibit No. 192 - Progress Report No. 1 dated November 15, 1966
- Exhibit No. 193 - Progress Report No. 2 dated December 31, 1966
- Exhibit No. 194 - Schedule to Report No. 2
- Exhibit No. 195 - Covering letter to Commissioner Forbes dated November 15, 1966
- Exhibit No. 196 - Photostat of sections of The City Act
- Exhibit No. 197 - Photostat of sections of the Municipal Governments Act
- Exhibit No. 198 - Copy of Post-Audit Report with notation "67 PAR"
- Exhibit No. 199 - Letter dated January 15, 1969 from Mr. McKinnon to Mr. Arscott
- Exhibit No. 200 - Report from Riddell Stead and Company to Commissioner Forbes dated December 11, 1969
- Exhibit No. 201 - Letter from Mr. Kay to Commissioner Forbes dated November 10, 1970
- Exhibit No. 202 - Parking Meter: Cash Counts from the Auditing Department, undated
- Exhibit No. 203 - Statement of Mr. Wray and attachments
- Exhibit No. 204 A to G - Photographs identified with letters A through G
- Exhibit No. 205 - Chicago Sun-Times dated August 17, 1970
- Exhibit No. 206 - Reports dated October 29, 1970 and October 30, 1970
- Exhibit No. 207 - Commissioner's Report re. Transit



- Exhibit No. "A" - Document filed for identification
- Exhibit No. "B" - Document filed for identification
- Exhibit No. "C" - Report filed for identification
- Exhibit No. "C" - for identification - Letter to Alderman Tennant
- Exhibit No. "D" - for identification - Calgary Police Report dated August 30, 1969
- Exhibit No. "E" - for identification - Report submitted April 3, 1970 headed "Transit System and City Hall Thefts"
- Exhibit No. "F" - for identification - Departmental Report of Arrests, dated July 5, 1970
- Exhibit No. "G" - for identification - Report dated December 10, 1969
- Exhibit No. "H" - for identification - Report prepared by Careers Consultants of Alberta Limited
- Exhibit No. "I" - Omnibus - Confidential Exhibit



# DATE DUE

MAR 11 1980

MAR 11 1990

APR 27 1994

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